

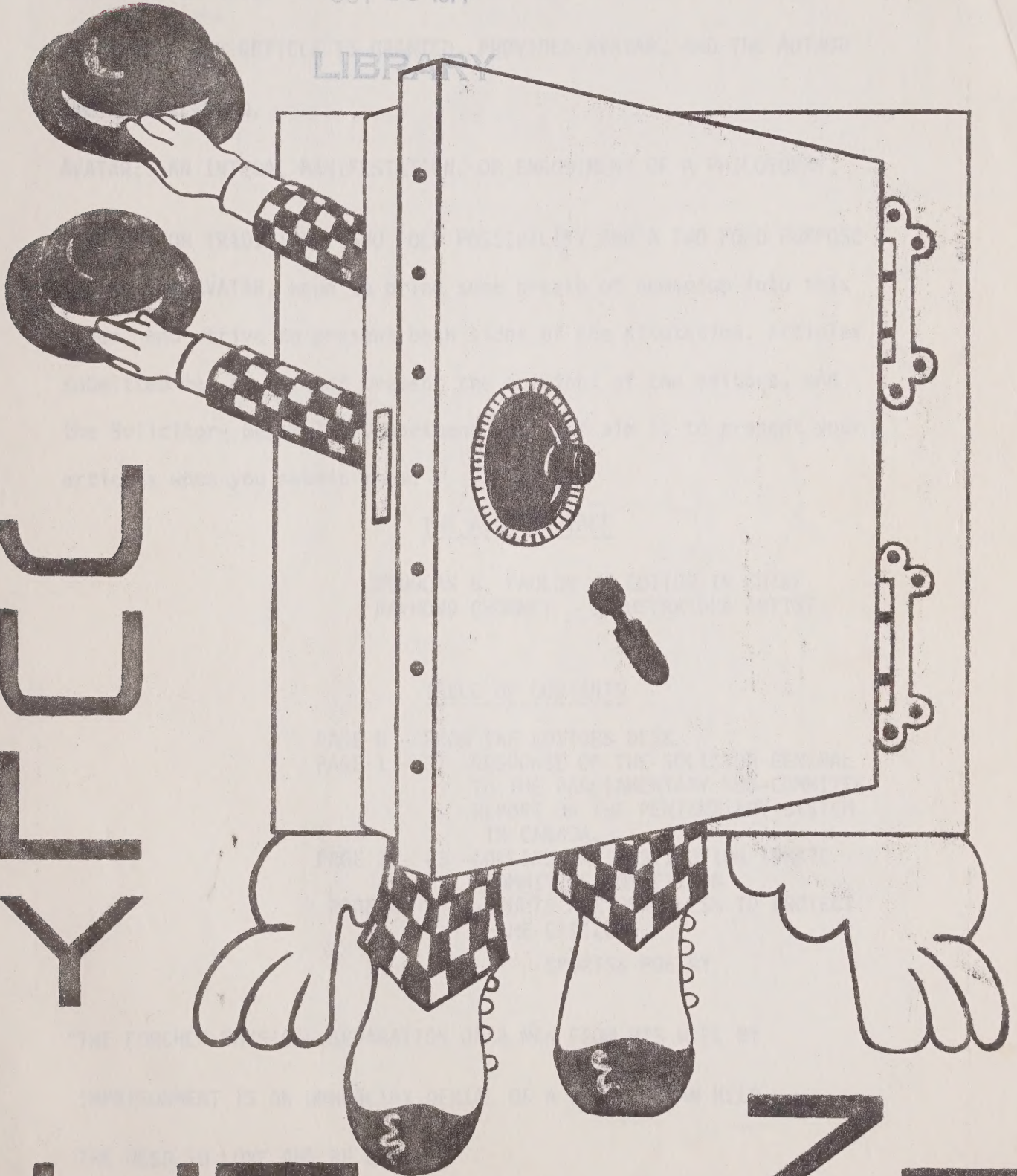
# AVATAR

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CENTRE OF CRIMINOLOGY

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CONCEPT, OR TRADITION...TWO FOLD POSSIBILITY AND A TWO FOLD PURPOSE  
We, at the AVATAR, hope to bring some breath of humanism into this  
paper, and strive to present both sides of the situation. Articles  
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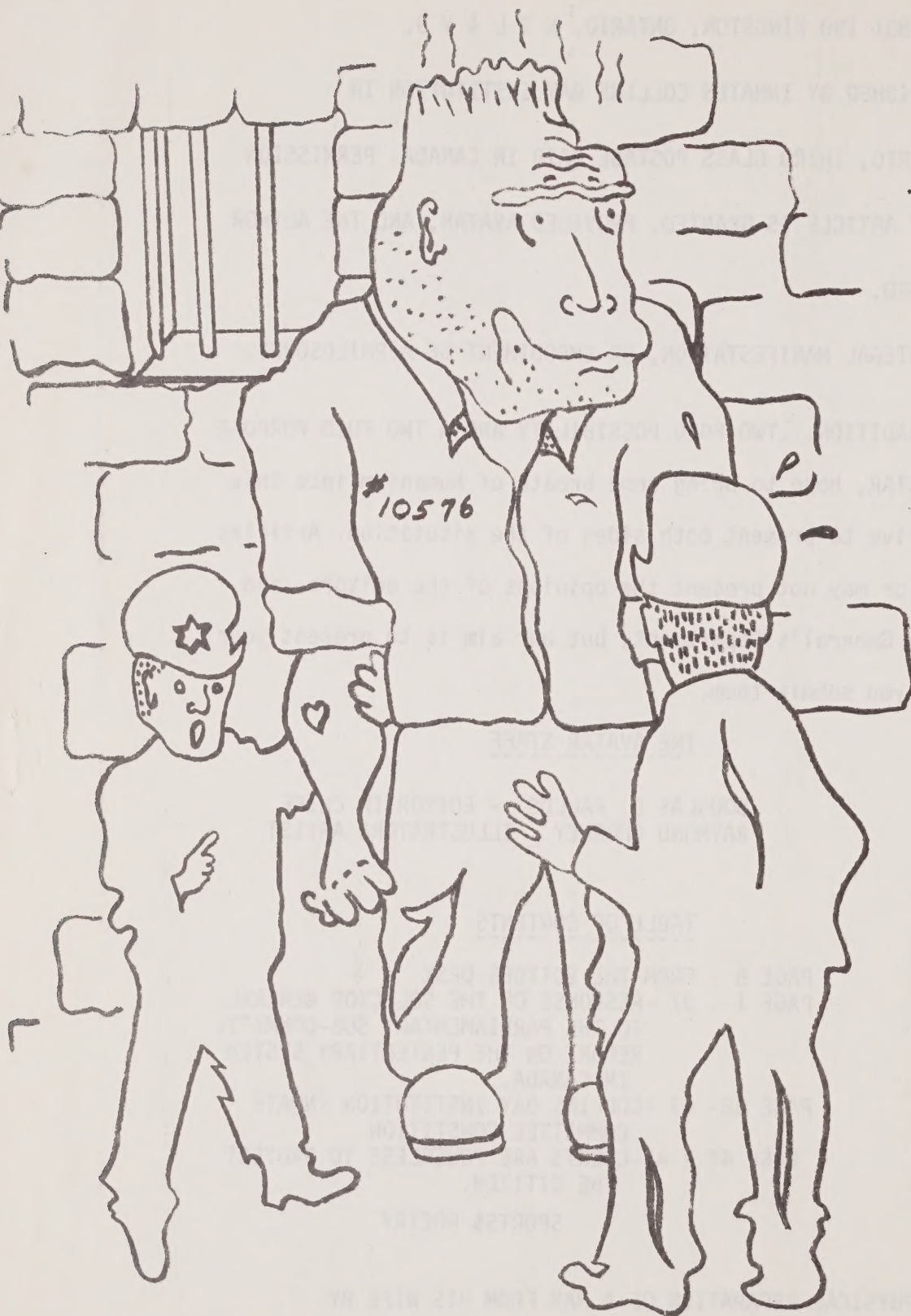
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"THE FORCED PHYSICAL SEPARATION OF A MAN FROM HIS WIFE BY  
IMPRISONMENT IS AN UNHEALTHY DENIAL OF A BASIC HUMAN NEED...

THE NEED TO LOVE AND BE LOVED."

A SPECIAL THANKS TO HELEN O'NEIL OF THE SOCIAL DEVELOPMENT  
DEPARTMENT FOR USE OF HER TYPE WRITER FOR THIS EDITION.



CAPTAIN....YOU TELL HIM THAT

DETAILS WHY THE T. A. BOARD

WONT LET HIM GO HOME TO SEE  
HIS MOMMY.



## PRINCIPLES

The Solicitor General endorses the thirteen principles enunciated in the Sub-committee Report, and welcomes the Sub-committee's recognition of, and agreement with, the evolving philosophy of Canadian corrections which is contained in them. These principles embody many of the goals and objectives which have been articulated in the Federal Corrections Agency Task Force Report, made public in March 1977 and submitted to the Sub-committee during the course of its deliberations.

These general statements of philosophy, attitude and policy cover the purposes of imprisonment, the correctional staff, the organization and management of the Penitentiary Service, justice within the walls, and work. They include recognition of the central role of the staff in the reform of penitentiaries. In reaching the goal of a professional career service, the RCMP model is one which will be given consideration. The Minister strongly supports the principles concerning the establishment of decentralization as a basic organizational principle, with the delegation of authority, responsibility and accountability as close to the level of action as possible.



*"About your conjugal visit: Your wife called and said she had a headache."*



A. PREFACE

1. " A crisis exists in the Canadian Penitentiary system. It can be met only by the immediate implementation of large-scale reforms. It is imperative that the Solicitor General act immediately on this Report as a matter of the utmost urgency."

The Solicitor General strongly supports the call for reform of the system, and evidence of his commitment is contained in this document itself, and in his pledge to implement those recommendations which further the goal of reform which he shares with the Committee. Approximately four out of five recommendations are accepted in principle, as this detailed response demonstrates. While there are serious problems which must be resolved, doubt is expressed about use of the term 'crisis' to describe a situation which has been of ongoing concern for some time. It should also be noted that the Sub-committee was established as a result of disturbances in 3 institutions in a system containing 54.





B. THE PURPOSES OF IMPRISONMENT

2. "The criminal justice system should be carefully re-examined with a view to enlarging the alternatives to incarceration."

The Sub-committee's call for expansion of the alternatives to incarceration is one of the areas in which action, already well underway, will be continued on a priority basis. Pilot projects in the area of diversion and restitution have been funded in all regions of the country by the Ministry of the Solicitor General. Legislative proposals based on recommendations of the Law Reform Commission in the area of sentencing options were presented by the Solicitor General and the Minister of Justice to their counterparts at the Federal/Provincial Minister's Conference at the end of June. Furthermore, the approach contained in the proposals for a Young Offenders Act constitutes direct application of this principle in the field of youth justice. The proposals on Young Offenders would give the sentencing judge a whole range of options: imposition of a community work order, payment of a fine, compensation to the victim, restitution, probation conditions, with detention orders the ultimate sanction.

3. "The federal government should commence discussions with the provinces with a view to establishing standardized correctional operations across the country."

Discussions with the provinces on the subject of standards and division of jurisdiction have been held at several meetings of federal-provincial Ministers and Deputy Ministers of Corrections. A working group was established on the decision of the Ministers' Conference in May 1975 to examine the issue of jurisdictional divisions in more detail. These discussions were continued at the Federal/Provincial meeting of Ministers responsible for Corrections held in late June of this year. The recommendations of the Parliamentary Sub-committee have also been brought to the attention of provincial Ministers. The conference has directed the Continuing Committee of Deputy Ministers to examine the question of standards and jurisdictional split on a priority basis. The Continuing Committee of Deputy Ministers is to report progress at the next Conference of Ministers.



C. THE CORRECTIONAL STAFF

4. "The basic qualification for a correctional officer should be a grade 12 education (or its tested equivalent) and a minimum of three years' experience in a field involving extensive person-to-person relationships (teaching, corrections, counselling, supervision, sales). Additional education should be substitutable for experience or additional experience for education. The selection procedure should carefully consider the psychological attributes of prospective recruits to ensure their aptitude, maturity, stability and self-discipline for penitentiary work. They should also be required to pass security clearance."

The Minister strongly supports the principle underlying this recommendation, forming as it does part of the Sub-committee's theme that the Penitentiary Service be a professional career service. Within the Penitentiary Service, a major study is underway already on the role of the correctional officer, and another is addressing the question of selection procedures and qualification requirements, including the use of psychological testing as a selection tool. Therefore, while the very specific qualifications for selection may be subject to refinement and adjustment, the principle is one which can readily be accepted. It is agreed that all employees should be required to pass security clearance.

5. "Retirement at 55 years of age must be mandatory for all employees other than professional staff, with full pension after 25 years of service. Early voluntary retirement at age 50 after 20 years of service should be optional."

The Penitentiary Service will examine with Treasury Board the question of providing special consideration in terms of pension status to penitentiary employees. CPS has developed a proposal which could add flexibility to the Sub-committee recommendation by addressing not only the question of early retirement, but also the problem of "burn out" at an earlier career stage, the class of employees who would qualify for the plan, and the possible loss of valuable and experienced employees through mandatory retirement at age 55. As only 4% of employees now stay in the Service until retirement age, it is important to establish a plan which takes into account the "burn out" problems which occur among young employees. Changes in legislation would be required to implement this recommendation.

6. "All custodial personnel must have an initial training course of three months' duration which combines instruction and field work, and they must not begin regular work in an institution before completing it. The best instructors available in the system should be utilized."



The principle is supported, although the specific details of the training program may be subject to refinement. CPS will work toward eliminating the operational constraints which have at present led to difficulties in implementing the policy of universal induction training. CPS is developing a system in which initial training programs can be closely matched to the requirements of particular positions. It should be noted that the accelerated construction program will require many more people to be trained in a short time, and CPS is now looking at the possibility of establishing special courses, in conjunction with local educational institutions.

7. "Custodial personnel must have full opportunity for continuing professional educational development and should be required to spend a minimum of one week a year in refresher courses or upgrading."

The Minister agrees with this proposal, which has now been issued as a CPS policy directive.

8. "A sufficient number of training positions must be established to allow for the full and adequate training and continuing professional education of custodial personnel without depriving institutions of necessary staff. This number should be established annually."

The Minister supports the principle of this recommendation as well, and would establish as a goal that the proposal be expanded to include all personnel, not just custodial personnel in respect of which some allocation has already been made. Work on determining the number of such additional positions will begin immediately, but it should be recognized that current restrictions on growth in the size of the public service are an important factor to be taken into account.

9. "Staff appointments above the initial level should either be made by promotion within the system, or appointees (other than professional persons or those who already have equivalent experience) should be required to spend a period of six months gaining experience in security before assuming their positions. It is vital that the service hold out the probability of promotion for the deserving officer."

The Minister fully supports the professional career concept which is at the heart of this recommendation. Within CPS, steps have already been taken to establish a strong program of human resources career planning, centering on the development of a clearly set out career ladder, made accessible by a full program of training opportunities and promotional opportunities from within. The recent appointment to a newly-created position of Director General of Human Resources in CPS demonstrates the importance attached to this area.



The idea of exposing new personnel to security experience is excellent, with the qualification that a mandatory six month period may not be necessary or appropriate. It is agreed that all staff in contact with inmates, except professional staff such as doctors, dentists and psychiatrists, but including Regional staff having an impact on inmate programming, should be required to have security experience.

10. " The period of probation for new employees must be one year after the completion of the initial training course."

Agreed. This will be implemented. The word "course" should be taken to include both courses at staff college and on-the-job training. A change will be sought to the regulations under the Public Service Employment Act in order to implement this recommendation.

11. " Staff must be paid in keeping with their training and status and we find the R.C.M. Police to be the appropriate model."

The principle that pay should reflect training and status is accepted, with the additional comment that pay should also reflect responsibilities and job performance. The particular point that the R.C.M.P. model be adopted requires more detailed study in the context of the examination of recommendation 26, as well as other proposals dealing with the organization, management and staffing of the Penitentiary Service. The new contract for correctional officers has just been approved by the AIB, and provides that newly appointed correctional officers are paid \$11,050. After four years of service, a correctional officer (CX 1) can earn up to \$15,050 under the terms of this contract. Living unit officers earn, upon entry into the Service, \$14,250, and up to \$16,650 after three years service under the terms of this contract.

12. " In order to increase staff experience and to enhance the quality of Canadian penology, there must be regular programs of exchange of manpower for periods up to a year or two with penitentiary systems in other countries. "

The Minister is in total agreement with the Sub-committee's point that exposure to ideas and practices in effect in various other jurisdictions is of value. The principal approach to this goal is continuation and expansion of the current program of contacts through short-term visits and participation in international correctional organizations and conferences.

13. " As far as possible, all staff members should have dual responsibility for security and program. "



The Minister supports this recommendation, and notes the Committee's endorsement of the Team and Living Unit concepts which have been adopted as CPS policy. See also the response to recommendation 46.

14. " All staff members and all inmates in penitentiaries must wear name identification."

Accepted for all maximum and medium security institutions. Target for implementation of this recommendation is two months.

15. " A "no deals" rule should establish that no agreements of any kind will be negotiated in hostage-takings while hostages are being held."

The twin objective of government policy is to effect the safe release of hostages and to enforce the law firmly and strictly. Hostage takers will be subject to immediate transfer to special handling units, where further appropriate action will be determined. Charges will also be laid in all cases of hostage taking. In summary, it is firm government policy that no hostage taker derive any ultimate benefit from his illegal act, and that institutional directors be in full command of the resolution of such incidents.

16. " Each maximum and medium security penitentiary must have a tactical unit of staff trained to deal with hostage-taking and other crises. When necessary, a director should also call on the assistance of police tactical forces. The decision as to the role of Inmate Committees, if any, should also be left to the director."

Again, the underlying principle that institutional directors be in command is supported. A three-pronged approach to this question is already underway in CPS, with the establishment of institutional emergency response teams, to be trained and complemented by regionally-based teams. The use of outside resources--police--is also to be decided by the director when required.

This policy of establishing regionally-based emergency response teams provides maximum flexibility and a variety of options to institutional management responding to hostage and other crisis situations. Regional emergency response teams will assume a multi-faceted role ranging from police liaison and technical squad operations to the development of contingency plan models for institutions, and the training and conditioning of staff to crisis management. In effect, their duties embrace both preventive and response functions, covering both normal and emergency operations. In addition to their primary role as members of an emergency response team, they will be coordinating body in the regional security organization in the following fields:



- a) contingency planning and training;
- b) security surveys and evaluation;
- c) security investigations;
- d) security manpower deployment; and
- e) security operations and resources.

Twenty-five man years, distributed on the basis of five per region, have already been allocated in order to put these emergency response teams in place. Position descriptions for each function have been developed following consultation with senior security personnel from the field and each region is now in position to formally establish a regional emergency response capability.

During the past several months, a crisis management model has been developed, again following extensive field consultation both at the operations and training level, as well as with members of the police community and the Department of National Defence. The model was developed in order to provide line managers a standard and appropriate system of dealing with crises within institutions. All institutional and regional directors were introduced to the concept at the Directors' Conference held in Ottawa in January. As a follow-up to this, a national training seminar was held at the Correctional Staff College in Kingston, and was attended by selected representatives from all five regions.

All regions are now engaged in the preparation and presentation of training sessions at the local level to ensure that appropriate contingency plans and procedures are developed and implemented in keeping with the crisis management model.

Also, senior members of CPS have, during the past year, attended a number of national and international conferences and seminars dealing with the subjects of violence and terrorism and our efforts in the field of the prevention and control of such incidents remain, as one would expect, a high priority with senior management.

In addition, research programs are being conducted through the joint efforts of CPS management and the Ministry of the Solicitor General Secretariat in an effort to determine more accurately the causes of hostage-taking incidents and by so doing, to enable CPS to develop and implement preventive and remedial measures.

17. "Women should be employed on the same basis as men in the penitentiary service. Selection must be according to the same criteria used for men to ensure that recruits have the aptitude, maturity, stability and self-discipline required for penitentiary work."



The principle of the recommendation is supported. CPS will be guided by the provisions of the Human Rights Act (Bill C-25) in this regard, and work has already begun with the Public Service Commission on this issue.

A three-member committee chaired by the PSC Anti-Discrimination Branch is currently in the process of reviewing the whole question of the employment of women within the Correctional Officer category of the penitentiary service, and this committee is examining the American system as part of its work. Also, women are already employed on the same basis as men in several occupational categories.

18. "When the new system of qualifications, pay, promotion and pensions is being instituted, all present penitentiary staff should be re-examined with a view to determine their continuing suitability for penitentiary service. Those who are not deemed suitable should be transferred to other government departments, retired from the Service with appropriate pensions, or dismissed."

This question is dependent upon several other recommendations dealing with the structure of the penitentiary service. Its acceptance is therefore contingent upon the findings of the senior working group which is announced in response to recommendation 26.



D. ORGANIZATION AND MANAGEMENT OF THE PENITENTIARY SERVICE

Principles 7-10, as statements of purpose, are certainly accepted by the Minister. The difficulty, however, arises in finding the most appropriate ways of applying these principles in a complex organization which is currently undergoing merger, decentralization and development simultaneously. To some extent, recommendations 24 and 26 can be interpreted as determining the content of the other recommendations in this section, but in this response an attempt has been made to deal with many of the detailed recommendations within the framework of the present system--pending decisions on the major re-organizational proposals contained in recommendations 24 and 26.

19. "A rigorous post analysis must be carried out in all maximum and medium security institutions to eliminate overmanning of posts."

Agreed. An analysis of post requirements is also automatic when preparing for the introduction of the Team and Living Unit concepts, which reflects existing CPS policy. Further, Regional Emergency Response Teams will have as part of their duties the carrying out of regular security surveys which will include post analysis. The Minister points out that increases in security personnel resulted from concern about escapes during 1972 and 1973, and that action taken as a result reduced escapes from institutions by approximately 75%. The Minister also wishes to draw attention to the Sub-committee's own analysis of staff-inmate rations, and to their support for small, specialized institutions, programs and work--all of which require a higher staff-inmate ratio than do the large 1000-inmate institutions common in the United States. It should also be kept in mind that the ratio of security personnel to inmates is about 1:2.4. The balance of CPS staff consists of program, professional and institutional support personnel required to run a complex, program-oriented system such as that encouraged by the Report itself. (By the Report's own analysis, if all Regional and Headquarters staff were to be eliminated, the staff-inmate ratio would only change from 1:1.1 to 1:1.3.)

20. "The penitentiary system must be clearly defined by a vertical management system with short lines of authority and communication between the top and bottom, and no intervening line authority between the directors of institutions and the Commissioner of Penitentiaries. The responsibility and the authority of each position must be clearly defined in writing by a carefully conducted internal role analysis."

The Minister supports the Sub-committee's theme that clear definition of lines of authority is essential, and that institutional directors must have the authority



which is necessary for them to carry out their responsibilities. To this end, the Sub-committee's recommendation to clarify and define line authority and functional responsibilities is accepted, and a detailed internal role analysis will be performed.

That having been said, consultation with institutional directors on the Report revealed unanimous opposition to the suggestion that they report directly to the Commissioner. This would be impractical in a system with more than 50 institutions.

21. "Directors of institutions must have responsibility and authority for:
- (a) the selection, hiring and dismissal of staff for the institution up to management level;
  - (b) provision of personnel services;
  - (c) creation delegation and transfer of term positions, within budgetary limitations;
  - (d) manpower and career planning;
  - (e) in-service staff training; and
  - (f) program planning.

In short, directors must have the power and authority to manage their institutions. They must report directly to the Commissioner and not to regional offices."

As is stated in response to recommendation 20, the principle that institutional directors must have adequate power and authority to manage their institutions is agreed. On the question of their direct reporting relationship to the Commissioner, however, institutional directors saw this as unrealistic.

The general content of the recommendation's outline of directors' responsibilities and authorities is consistent with the present situation. For example, institutional directors presently have been delegated the authority to select and hire most of their staff, and they make the recommendations upon which the Commissioner's decision to dismiss is based. In the last year, for example, the Commissioner--acting as Deputy Head for such purposes, as is required in other government departments--upheld disciplinary action initiated by line managers which resulted in 18 employees leaving the Service. Personnel services are presently available in some institutions, and it is intended to increase the number of institutions which have their own personnel services, in accordance with resource availability. With respect to term positions, institutional directors presently perform the function described in the Sub-committee recommendation. Manpower and career planning, as well as in-service staff training, is currently carried out by institutional



directors on a shared basis with regional directors, and CPS believes that effective planning and training requires the participation of both levels of management. Institutional directors also have a great measure of control over their institutional planning at present.

That having been said, the division of responsibilities will be re-examined in light of the Report's comments. This will be done in the context of the internal role analysis referred to in recommendation 20.

22. " Regional offices must not have line management responsibility but should play a consultative, audit service and support role. They must not interfere with the running of institutions. Divisional instructions must be abolished. Commissioner's Directives 102 and 106, to the extent that they subordinate institutional to regional directors, must be rescinded.

Regional offices should have responsibility and authority for:

- (a) the planning, development and construction of new institutions in the region;
- (b) the training of manpower for the region (shared with institutions);
- (c) regional consultation and discussion;
- (d) purchasing and stores (shared with institutions);
- (e) personnel services, accounting and budgeting (shared with institutions); and
- (f) the auditing of institutions in the region. "

The only official at regional level having line authority is the Regional Director himself; all the other regional personnel are functional staff with no line authority. In a system with more than fifty institutions, in all parts of the country, the presence of regional directors having such authority is essential to the operation and control of CPS. As is stated in response to recommendations 20 and 21, a direct reporting relationship between institutional directors and the Commissioner in Ottawa is simply unworkable in such a system.

Having said that, it is agreed that the functional staff at regional level should not "interfere in the running of institutions", and should have a consultative, audit, service and support role.

On the question of divisional instructions, the Minister believes that these instructions, issued under the authority of the Commissioner to the institutional directors, are the only way in which procedures can be defined to control the implementation of policy in practice. Divisional instructions are directly related to, and based upon, the general policies outlined in Commissioner's Directives, and give detailed instructions as to how those policies are to be implemented in the field.



The recommendation to rescind Commissioner's Directives 102 and 106 to the extent that they "subordinate institutional to regional directors" flows from the recommendation that no regional personnel have any line authority, and cannot be accepted for the reasons outlined in the first paragraph.

With these provisos, the definition of authority and responsibility outlined by the Sub-committee is generally accepted. As was stated earlier, the internal role analysis to be undertaken will address the question of how the definition of role and authority can be improved, and the Sub-committee's views on the matter will be given very close attention.

23. "Security should be controlled by the head office of the Canadian Penitentiary Service."

The Deputy Commissioner (Security) is in charge of the development of security policies from the national level, and issues Divisional Instructions on the implementation of those policies.

On the operational level, the responsibility for maintaining security is that of the institutional directors.

24. "The Commissioner should remain the chief administrative officer of the penitentiary system but he should be appointed by and responsible to a Board of five members (appointed for 5 year terms on a staggered basis by the Solicitor General) which would have sole responsibility for the making of policy. The Board must not have an attached bureaucracy additional to the Penitentiary Service. It should report to the Solicitor General and should be required to make an annual report to Parliament through the Solicitor General."

This is one of the most fundamental changes recommended by the Committee, and its implications are so far-reaching and difficult to assess on the basis of a quick examination that the Minister must request more time for a thorough examination of the proposal.

Having said that, the Minister would like to raise some questions which occurred to him during a first examination of the recommendation. If the main purpose is to allow for more input from line staff in policy-making--which is suggested in the body of the Report--then the Minister's agreement is shown by the fact that steps have already been taken within CPS to involve staff in policy planning. But the means suggested by the Sub-committee do raise questions which must be answered. A policy-making board, with no or little support, analysis and research capability of its own, would appear to be severely hampered by such a lack. Secondly, throughout



the federal government, the recent trend has been in the direction of making Crown boards and agencies more subject to Ministerial responsibility, and therefore Parliamentary control. This recommendation would seem to be moving in the opposite direction. Thirdly, it is not immediately apparent that the recommendation would assist in the resolution of one of the problems the Sub-committee saw as central--that of lack of adequate definition of authority, and consequent confusion as to who is in control of the system. This recommendation, in fact, could exacerbate that problem rather than resolve it. For all these reasons, more time is required to examine the proposal thoroughly, in an attempt to clarify the implications.

25. " The Penitentiary System should be open and accountable to the public."

The Minister strongly supports this principle, and points to the numerous examples of increased openness within the system in the past several years. The policy on Citizens' Advisory Committees (see the response to recommendation 49) and on the participation of outside groups in institutional programs (see the response to recommendation 48) form an important part of this effort. Continuation of this trend is accepted policy within CPS, subject to the considerations of confidentiality which the Sub-committee itself identified.

26. " The Penitentiary Service under the board must be an independent agency of the government not subject to the Public Service Employment Act or the Public Service Staff Relations Act. It should resemble the R.C.M. Police in its discipline and professionalism. Employees should be subject to discharge for misconduct or incompetence. "

This is another of the Sub-committee's most far-reaching recommendations, and very careful examination of its implications is required. In order to do this, a working group consisting of senior officials from CPS, the Ministry of the Solicitor General, the Privy Council Office, Treasury Board, and the Public Service Commission is being established upon the recommendation of the Solicitor General. This group is to examine several potential models in an effort to determine the most appropriate means of achieving the agreed-upon goal--that of establishing the structure best equipped to deal effectively with the difficult problems of corrections.

27. " Employees of the Penitentiary Service who perform supervisory or confidential functions should not be entitled to belong to unions. Matters clearly under the prerogative of management such as security, programming and inmate welfare must not become the subject of collective bargaining. Compulsory arbitration must be the only means of dispute settlement. "

The Public Service Staff Relations Act is presently under review, and that review will study the question of management exclusion. CPS agrees with the Sub-committee that more of its managers should be excluded from union membership.

It is also agreed that security, programming and inmate welfare should not be part of collective bargaining, although staff should be consulted on such matters.

The recommendation concerning compulsory arbitration will be examined by the working group on the future relationship between CPS and the Public Service, announced in response to recommendation 26.

28. "An Inspector-General of Penitentiaries should be established, reporting directly to the Commissioner. This person should be charged with inspecting institutions and investigating irregularities, but he should refer criminal investigation to the appropriate police force."

Accepted. The position of Inspector-General of Penitentiaries will be created, and the mandate of the present office of management review will be redefined to implement the Sub-committee's recommendation. In this process, the role of the Inspector General must be carefully differentiated from the present role of the Correctional Investigator.

The principal tasks of the Inspector-General will be to ensure that national policy is being carried out and to investigate irregularities.



E. JUSTICE WITHIN THE WALLS

29. " Commissioner's directives must be consolidated into a consistent code of regulations having the force of law for both inmates and staff. They should be understandable and should be made available to both staff and inmates on entry into the penitentiary system."

With respect to the recommendation regarding Commissioner's Directives, work is underway to update, clarify and consolidate these Directives, and to eliminate outdated ones. Once this process is completed, the consolidated Directives will replace the present Directives now available in institutional libraries, and a handbook for the guidance of inmates will be produced and made available to inmates at the time of their entry into the penitentiary system. Locally-produced inmate handbooks are currently available at Reception Centres in Ontario and Quebec, and in Prairie Region institutions.

With respect to the recommendation that the Directives be transformed into regulations having the force of law, the potential complications and costs are enormous, and cannot be borne at this time. The need to operate the system in a manner consistent with the principles of natural justice is recognized and accepted, however, as is shown by the fact that due process is presently built into Commissioner's Directives dealing with discipline. See also responses to recommendations 30 and 36, in which provisions for disciplinary and grievance procedures are discussed.

30. " Independent chairpersons are required immediately in all institutions to preside over disciplinary hearings. Cases should be proceeded with within 48 hours unless there is reasonable cause for delay. "

An amendment was introduced at Report Stage of Bill C-51 enabling the Governor in Council to make regulations to implement this recommendation.

As an initial step, the Minister has set November 15 as the target for having Independent Chairpersons in place in maximum security institutions, subject to the necessary legal formalities being complied with. These Independent Chairpersons would preside over institutional Disciplinary Boards hearing cases involving serious or flagrant offences. The Independent Chairperson alone would determine guilt or innocence on the charge.

It is intended that Independent Chairpersons be appointed by the Solicitor General from the ranks of supernumerary and retired judges, and from members of the bar.

The recommendation to proceed with cases within 48 hours is not attainable, and it is proposed to require that cases be proceeded with within seven days unless there is reasonable cause for delay.

31. "With respect to administrative segregation, there must be a Segregation Review Board and due notice in writing of the Board's decisions. The functioning of this system must be reviewed after two years to determine if it adequately protects the rights of inmates."

Agreed. This reflects current policy. Segregation Review Boards, chaired by Institutional Directors, are currently being established in all institutions.

32. "Gas should not as a normal practice be employed against a single inmate. Where force is required to remove a resisting inmate from his cell, he should be physically overpowered by a team of guards."

As the Report states, the present directives on this subject reflect the principles contained in the recommendation. If there have been abuses or errors in the application of the policy, it is agreed that steps be taken to prevent their recurrence. As the Sub-committee itself notes, there is a requirement for a certain degree of flexibility in order to allow for appropriate judgments to be made in specific situations.

33. "The transfer of inmates from an institution (either at their request or involuntarily) should normally be arranged by the Director of that institution with the Director of the receiving institution. Transfers should be effected by train or by Government bus or by Government aircraft, not by commercial aircraft."

Institutional Directors, consulted on the Report, opposed this recommendation, and consider transfers as a proper function for regional authorities. On the question of complaints, it is suggested that Regional Transfer Boards give reasons for transfer decisions and that if an inmate believes the facts on which these reasons are based to be unfounded, then he may lodge a complaint asking the Regional Transfer Board to re-examine its decision.

On the question of transportation modes, there is considerable doubt concerning the security, economy, and practicability of the Sub-committee recommendation. Long-distance transfers by train, for example, pose great difficulties from the point of view of security and expense. The Minister is, however, pursuing discussions with the Minister of National Defence in order to ascertain whether an agreement can be reached for the regular use of military, as opposed to commercial, aircraft.



34. "Institutional libraries must provide adequate material for legal research, especially in the field of criminal law."

It should be pointed out at the outset that legal aid would seem to provide a more appropriate solution to the problems referred to in the Sub-committee's recommendation, and that legal aid systems are administered by each of the provinces. That having been said, it is agreed that efforts will be made, especially in areas where legal aid resources are not sufficient, to make basic criminal law material available for inmate use, either in institutional libraries or through loan arrangements.

35. "Uncertainty by inmates as to the length of their sentences is a factor causing unrest in penitentiaries. Since such uncertainty results from ambiguities as to the precise meaning of judicial sentences, the Minister of Justice should refer this problem to a study group with a view to amending the Criminal Code to remove this problem."

In response to the unanimous view of the Sub-committee, suggestions for appropriate amendments will be submitted to the Department of Justice for inclusion in legislation to be introduced at the next possible opportunity.

One of the possible sources of ambiguity will be removed by introducing an amendment to the Parole Act, which will provide that multiple sentences constitute a single sentence for the purposes of the Criminal Code. Other measures that will lead to simplification of the computation of a sentence will be explored. Cooperation of the judiciary will be sought so that the method of expressing sentences does not lead to misunderstanding by the penitentiary authorities.

36. "The grievances of individual inmates in each institution must be dealt with by a committee composed of equal numbers (two and two) of staff and inmates. This committee should be chaired by a member of the administrative staff who should vote only in the case of a tie. Where their decision is not in his favour the inmate should be entitled to appeal to an outside mediator who would advise the director. The decision of the director shall be final, except in instances where the grievance involves general policy over which the director does not have jurisdiction, in which case the matter should be referred to the Commissioner of Penitentiaries."

The Minister is impressed with the recommendation, and is prepared to move in this direction. C.P.S. officials have already consulted with experts on the system as it operated in New York State, and have visited institutions there, including Attica. Federal-provincial discussions on this issue, in the context of the question of inmate rights generally, have been held and will continue.

The Minister has decided to introduce a pilot project on this model at the Saskatchewan Penitentiary, taking into account the need to prepare staff and inmates for the introduction of this new concept.

37. " The position of Correctional Investigator should be continued for the present, subject to review of the role in two years. The Investigator should report directly to Parliament rather than to the Solicitor General."

Agreed in principle, with the comment that legislation is required to make the Correctional Investigator responsible to Parliament directly. In that the Sub-committee recommends a review of the whole concept in two years, it seems preferable to defer such legislation pending the result of that review.

38. " The Inmates in each institution should be represented by an Inmate Committee elected at least in part on a range-by-range basis. Where they are present in sufficient numbers, minority groups such as native peoples, métis and blacks should have representation on the Committee. Inmates in protective custody in institutions where not all inmates are in protective custody should be represented by separate Committees. The position of chairman should be a full-time one and the institution should provide some facilities to the Committee."

This recommendation is accepted in principle. Sufficient flexibility must be retained for the exercise of directors' discretion in order to take into account special circumstances in individual institutions.



F. WORK, EDUCATION AND TRAINING

39. "The Penitentiaries Act should be amended to allow the products of inmate labour to compete on the open market, and the change should be implemented after full consultation with industry and with labour."

AND

40. "A national prison industries corporation should be established, and the full cooperation of business and labour enlisted in providing guidance in organization and implementation towards the fullest possible work opportunities in penitentiaries."

The Minister strongly supports the Sub-committee's emphasis on the importance of work, and of increasing productive opportunities. Legislative authority for sales of goods and services on the open market is not required, and in fact CPS has already begun moving in this direction under authority of a regulation which went into effect in January of this year.

As the Sub-committee points out, support from industry and labour is crucial to the success of this concept, and the consultation recommended by the Report has already begun by formation of the Advisory Committee on Industries, which held its inaugural meeting in Ottawa last October 21 and 22. This Committee is made up of representatives from the Canadian Labour Congress, the Canadian Manufacturer's Association, the judiciary, and the federal government. As part of its terms of reference, the Advisory Committee is to:

forecast the trends in industry regarding the product line and skills for the purpose of keeping the inmate training program in step with future employment prospects,

assist in exploring the possibility of expanding the scope of the market beyond the present constraints, and

consider and advise on the viability, significant implications, advantages and disadvantages of establishing inmate training programs through which commercial entrepreneurs may organize and operate inmate-manned manufacturing and service plants on penitentiary property.

In addition, a working group was established to determine the best method of implementing the Commissioner's priority of setting up and expanding penitentiary industries. An important aspect of this group's mandate is to work with the Department of Supply and Services, other

government departments, Market research organizations, and other sources on determining the type of markets that may be available for present, expanded and new industrial activities.

This examination will cover various possible approaches, such as incentives to industry which could locate within institutions, agreements such as that with Scott Paper allowing inmates to work outside institutions during the day, and the American and Danish models referred to by the Sub-committee.

On the question of possible conflict with domestic industry, one suggestion is to concentrate as much as possible on the production of goods in demand, but currently imported rather than produced by Canadian firms.

41. "There must be a graduated system of incentives based on labour productivity. Incentives should include bonuses for piecework and improvements, and earned remission. Inmates working either inside or outside penitentiaries should be required to pay room and board at reasonable rates and to contribute to the support of their families to the extent that these demands are compatible with their retaining a financial incentive to work."

This is accepted in principle. In this connection, it is important to note that incentives other than financial rewards can, and do, play an important role in motivating inmate behaviour. Participation in programs, temporary absences, and so on are examples of such incentives. The principle that statutory remission be replaced by an equivalent measure of earned remission is contained in Bill C-51.

Throughout the system, the use of pay grades for inmate work is a reflection of the acceptance of the Sub-committee's point. These grades will be increased on August 1st, and pay will vary between \$.90 and \$1.95 per day, depending on the grade achieved by the individual inmate.

There are also special programs currently underway within the system which go further than this. Establishment of a bonus pay system, based on productivity and administered by groups of inmates, is currently in effect on a pilot basis in Warkworth, Mission, Laval, Leclerc and the Regional Reception Centre (Ontario). This program involves some 200 inmates, and early reports indicate that it has been a marked success. Late last year, a project whereby inmates may earn up to the minimum wage, and contribute toward their room and board costs, was introduced in



Joyceville. This project will be evaluated over the course of the next two years by York University. At Mountain Institution, a native co-op produces handcrafts for sale on the open market. Fourthly, provision is made for the hiring of inmates by outside firms at Grierson Centre in Edmonton, and on a project run by the Scott Paper Company in Nova Scotia.

All of these approaches are promising, but it must be understood that it will take time to introduce them throughout the system, and after careful evaluation of the operation of the pilot projects. Such evaluation may result in such wider application, in modification of the approaches used, or in recommendations for other approaches. The principle, that of rewarding productivity on the part of inmates, is certainly one which seems fruitful, however, as is shown by the number and variety of projects described above.

42. "The training given in workshops should be monitored by official representatives of outside trade groups, and the penitentiary system should direct itself towards the production of things in demand. Arrangements should be made with the provinces for apprenticeship programs and licencing or certification."

Agreed. The current occupational development program includes academic courses from the primary grades to university graduation, and vocational/technical training in a variety of trades, e.g., machinists, sheet metal workers, welders, electricians, motor vehicle mechanics, body repairers, draftsmen, printers, brick-layers, dry-wall installers, television repairmen, etc.

Almost all the courses offered are recognized for purposes of academic credit or trade certification by the appropriate authorities in all provinces in which there are institutions. In the academic program, recognition is by school boards, provincial departments of education, community colleges or universities, depending on the course. In the vocational/technical training program, the certifying authority can be the provincial Department of Labour, the Department of Education, the Ministry of Colleges and Universities (Apprenticeship Branch), or the trade union involved, depending on jurisdiction and program.

A few trades, e.g., horticultural workers, industrial carpenters, millwrights, are not designated as certifiable trades, so that in such cases the question of certification does not arise.

43. "Academic education and trades training must be provided. Every inmate who so wishes should be allowed to follow correspondence courses."

Agreed. Current inmate enrolment in the CPS occupational development program consists of approximately 2100 inmates enrolled full-time in the academic program and a further 1100 inmates enrolled full-time in the vocational/technical program. Some 700 of the above follow correspondence courses of one kind or another on a full-time basis, with tutorial assistance being provided by the occupational development staff. Thus, approximately one third of the current inmate population is engaged in the existing occupational development program. Further expansion of the program seems possible, and will be examined, although it should be recognized that a significant number of inmates have learning disabilities which will require identification and diagnostic evaluation before special programming could be undertaken.



G.   SOCIALIZATION

44. "Institutional budgets should be such as to allow personnel more independence in the development and the establishment of training programs."

The Minister supports the recommendation, commenting that it forms a part of the already on-going policy of decentralization within CPS. As the Sub-committee noted, a study of program planning has already been completed by CPS. Since then, however, a series of recommendations made by the Management Consulting Service concerning the reorganization at all levels of the Inmates' Program Branch is well along the road to implementation. An Implementation Assistance Group has started to study the institutional program structure itself, and the need for institutional autonomy with respect to the devising of particular program modalities is well recognized.

45. "The social therapy technique developed by the Oak Ridge Division of the Ontario Mental Hospital at Penetanguishene is the most promising known for assisting offenders in self-reformation. This technique should be introduced into both maximum and medium security institutions immediately to the extent that it is possible to separate entirely the inmates in social therapy from the rest of the prison population. New institutions should be built with the need for small completely contained units in mind."

The Minister has requested that a special report be prepared by CPS within three months describing how, where and when the Oak Ridge approach could be implemented within the penitentiary system. This report will also study other approaches, such as that employed for sex offenders at Fort Steilacoom (see response to recommendation 59).

Since it would not be possible to duplicate the Oak Ridge model in all institutions, one possibility is to introduce the social therapy technique for a small, carefully selected group of inmates at one of the Regional Psychiatric Centres.

46. "There must be ongoing relationships between the same staff members and the same inmates. In particular, the Team Concept and especially the Living-Unit Concept must become the ordinary theories of staff management at every institution."

As the Report notes, this is the established goal of the Penitentiary Service.

"Living Unit" is the name of the process designed to foster the acquisition of social skills by inmates.

The process seeks to change inmates' behaviour patterns by encouraging them to engage in the problem-solving process which can assist them in learning new social roles. This problem-solving orientation provides opportunities for achievement, an important element in the learning process. Within a Living Unit, staff join with inmates to resolve the day-to-day problems which occur when people live in close proximity to each other, and to collaborate in the pursuit of common goals. In other words, members of the Living Unit--staff and inmate alike--manage the affairs of the Unit to the greatest degree possible. This concept is an integral part of the new penitentiary construction program, the design for which accommodates the "living unit" approach.

The "Team Concept", as the title implies, is a system of management premised on the team principle of custodial staff organization and deployment. Within this system, the custodial staffs of institutions are organized into two groups, one responsible for security functions where there is little or no contact with inmates and the other in areas where there is close or continuous contact with inmates. Each group is subsequently sub-divided into teams with permanently assigned leaders responsible for all aspects of supervision of their units, including duty postings, training, performance appraisal and the assignment of rest days and annual leave. Typically, a team consists of a senior security supervisor and several junior supervisors who are given sufficient staff to provide the security services necessary for a pre-determined area of an institution, with authority to operate within fairly broad but well established guidelines. Essentially, the Team Concept is decentralization and delegation of authority and responsibility to organized units of Security staff at the operational level of an institution.

With one exception, all medium security institutions are now operated under the Living Unit concept. The Team Concept is currently in operation in Dorchester, British Columbia Penitentiary and Millhaven, and will be extended to the other maximum security institutions.

47. "Social interaction must be maximized in prison life. This means frequent interaction between staff and inmates, between inmates themselves as in common dining, and between inmates and visitors, as in contact visiting. Inmates should spend as much time as possible outside their cells and in general have conditions of socialization as much like those of the outside community as possible."

It is agreed that the social interaction among inmates and staff should be maximized. This concept will be facilitated by the architectural design of future institutions. Improved visiting and dining facilities,



for example, are incorporated in the design for new maximum security institutions.

It should be recognized that these changes cannot be introduced in every institution immediately and that a certain degree of flexibility must be retained in order to deal with particular inmates and security problems.

With reference to contact visiting, this privilege now exists in all medium security institutions. The necessary facilities for contact visiting are included in the design for new maximum security institutions.

48. " Outside groups which do not disrupt the orderly operation of the institution should be allowed increased access.

The Minister agrees in principle with the recommendation, adding that groups allowed into the institution must be sincere and constructive participants in the programs of the institution. Also, groups should be allowed in only under the authority of the Institutional Director. The Institutional Director's authority to run his institution must be respected, as the Sub-committee emphasizes throughout.

CPS is quite open in its willingness to accept the help of interested groups, as is shown by the fact that many such groups and associations are already actively involved within the institutions.

49. "Citizen Advisory Committees must be established in all federal maximum, medium and minimum penal institutions. Members should be recruited from a cross-section of society representing a wide variety of interests as well as the ethnic and cultural characteristics of the local and institutional communities. Members should be appointed by the Commissioner on the approval of the institutional director and removed in the same manner, and should be required to undergo a security clearance.

The principal function of these Committees should be to assist the director with the overall development of the institution and its programs. They should assist in determining the types of program that are needed for inmates in the institution in response to the needs of staff and inmates. They should define the degree of general citizen participation compatible with the goals of the institution, and advise the institutional director of local attitudes towards the institution and its programs. With the help of the director and his staff, the Committee will develop methods of informing and educating the public in the operation and programs of the institution.

Citizen Advisory Committees should not take on the role of mediator during disturbances.

The Committees should hold regular meetings inside the institution with the director, staff and the inmates' committees. They should have, at all reasonable times, access to the institution and to the non-classified files and information held by the institution. An annual report should be submitted to the Commissioner of Penitentiaries by each Advisory Committee. This report should be made public."

The Minister agrees that Citizen's Advisory Committees (CAC) should exist in every institution.

It is also agreed that CACs should represent a cross section of the community; and that the selection and appointment of the members should be done by the Commissioner, on the recommendation of the Institutional Director.

The principal function of the CAC is to advise the Institutional Director on the overall development of the institution and its programs, as well as on methods of informing and educating the public on the operation and programs of the institution.

The question of whether the CAC should take on the role of mediator in a crisis should be a decision of the Institutional Director. It is agreed that the CAC is to have access to non-classified files concerning the policies and programs of the institution. The CAC will be encouraged to make an annual report to the Commissioner, and assistance will be given to enable such reports to be prepared. Such reports could be made available to the public by the CAC's themselves.



## H. INSTITUTIONS

- 50." New institutions should be small (200-250 inmates) and may be clustered together with several shared functions."

Support for the Mohr-type institutional design which is current government policy is welcomed by the Minister. An accelerated construction program, aimed especially at replacing the obsolete, fortress-type maximum security institutions, has already been announced by the government. The target for completion of nine such institutions is December 1979. The long-term construction policy, which will be phased over the next five years, will result in the eventual construction of 24 new institutions designed to respond better to specific needs of inmates in the field of vocational, academic or industrial programs, and to allow the implementation of the living unit concept which is also endorsed by the Sub-committee.

51. "Controlled epileptics should not be excluded from minimum security institutions."

This is agreed in principle. There is no reason to exclude controlled epileptics from minimum security institutions or Community Correctional Centres where adequate medical services are available, and Divisional Institutions will be amended accordingly. There could be a problem in minimum facilities such as forestry camps where such medical services are not so readily available, and these special concerns will be discussed by the Director General of Medical Health Care Facilities and his senior medical staff.

52. "Competently staffed Reception Centres for the classification of inmates must be located in every region. If Reception Centres operate within another institution, inmates awaiting classification must be isolated from the rest of the population, and facilities in existing institutions should be adapted to this end. A major review of the approach to classification is required: information should include all sources, the inmate should have the right to see his final report, and the correctional staff should have no de facto veto."

The emphasis on the importance of reception and classification is strongly supported, and a major review will necessarily be carried out as part of the process of integrating the Canadian Penitentiary Service and the National Parole Service under the terms of Bill C-51.

On the specific question of the reception process, there are two possible approaches. The first, that of a separate institution, is currently in place in Quebec, and planned for Ontario and Pacific regions. The second approach, currently in effect in the Prairie and Atlantic regions, classifies an inmate sentenced to a federal institution while he is still in the provincial

jail following conviction, and employs the "penitentiary placement" process. This process is thought to be most appropriate for these regions, because of the numbers of inmates who must be classified, and because of the large distances between federal institutions. As the Sub-committee itself points out in paragraph 634 of its Report, "a definite advantage of this system is that a young or first offender can be sent directly to a medium or minimum security institution from the provincial jail rather than being first received at maximum security institution."

With these considerations in mind, then, the principle that there should be a separate reception and classification process is accepted, although the specific form that process might take could vary in accordance with regional differences, and might not necessarily take the form of a separate institution per se.

On the subject of access to files, the Minister would go further in providing access throughout the term of incarceration, not just at reception. This is provided for in the Human Rights Act (Bill C-25). In addition, other aspects of due process and inmate rights are being considered in the context of the study being made of the Law Reform Commission's recommendation with respect to a Sentence Supervision Board, as well as in the context of the federal/provincial discussions on inmate rights referred to in reply to other recommendations.

It is agreed that staff should have no "de facto" veto over classification decisions.

53. "Inmates must be fed adequately and nutritiously and should eat in common."

Agreed. Presently, the menus in each institution are developed by professional nutritionists and dieticians. The authorized ration scales are determined on the advice of these professionals and follow the military scale. CPS has budgeted for each institution to obtain professional advice on the program diets for inmates. It was suggested that one way to improve the present quality of food service is to offer viable accredited apprenticeship opportunity for inmates, including training in such areas as nutrition and dietetics. The latter has been proposed for the Food Services Training Program at the Drumheller Institution. The concept of common dining has been endorsed but may not be applicable to all present institutions.

It is recognized that there are problems presented by the fact that kitchens do not presently exist inside Archambault and Millhaven. This will be remedied by the provision of such facilities. As for B.C. Penitentiary,



food carts will be used to ensure that meals are kept warm while being delivered to inmates.

54. "The Penitentiary Service must keep adequate records of the drugs dispensed to inmates so that control may be exercised over the amount of medication employed."

Concern over the variation in quality of medical services from one institution to another led CPS to adopt a major new policy and procedures manual for all medical services to inmates throughout the system. This policy was developed after considering the Commissioner's Directives and the reports of the National Health Services Advisory Committee, which is composed of representatives nominated by national medical, dental and nursing professional organizations, and appointed by the Commissioner. The new policy manual was approved in March of this year and is in the process of implementation now. This new policy is designed to provide better, standardized, treatment and care for all inmates, as well as better information about, and control over, medical programs to CPS management.

With respect to the specific recommendation dealing with the keeping of records of drugs dispensed to inmates, it is agreed that the current situation is not adequate. A directive will be issued within two months to ensure that adequate drug dispensal records are kept. The Director General for Medical Services will have the responsibility for supervising this system, along with the new Inspector General referred to in the response to recommendation 28.

55. "An immediate beginning must be made on phasing out the Prison for Women. Until the phaseout is complete, facilities and space must be provided immediately for an activity centre, and the life skills program must be restored.

As a replacement for the present Prison for Women small cottage-type institutions or village clusters must be established in at least three regions of Canada, with adequate programs to prepare women for release. Where security is required, it should be provided only on the perimeter, or for the very small group that requires it.

If there are not enough women for government operated Community Corrections or Release Centres to be established, alternative residential arrangements or resources in the community must be found and used. Private homes could be recognized by the National Parole Service as Community Resource Centres for women on day parole."

The question of the female offender is currently being reviewed on a federal/provincial basis, as a follow-up to discussions which took place on the subject at the recent Ministers' Conference. The recommendations of

the Clark Report on the female offender, made public in March of this year, form an important part of that review.

The review could result in the kind of institutions recommended by the Sub-committee, or it might be established that the present exchange of service agreements with the provinces provide a more appropriate vehicle for the provision of programs and facilities with which the Sub-committee was concerned. These agreements have already resulted in the transfer of a significant number of federal female inmates to provincial institutions.

The review process referred to above will also explore further innovative alternative residential arrangements as part of its mandate, such as the use of private homes for day parolees, as suggested by the Sub-committee.

In response to the specific recommendations referring to programs at the Prison for Women, the life skills program--which assists inmates in the development of better social interaction skills generally--has been resumed, and planning for an activities centre has also begun.

56. "For individuals who have persistently resisted discipline, work and socialization, a limited number of special correctional units should exist. These institutions should have all the programs and services of other maximum institutions, including the therapeutic community."

There is doubt that the provision of a "therapeutic community" with "all the programs" of other maximum security institutions is a realistic possibility for the type of inmate described. As the Sub-committee itself noted, these units would be dealing with those very few inmates who are "seriously disruptive and dangerous," whose attitudes and behaviour risk "destroying the opportunities and hopes for personal reformation pursued in good faith by the many."

That having been said, the principle that programs of some appropriate nature be provided is certainly accepted. This structured program would provide opportunities for such inmates to prove they have made the necessary adjustments in behaviour to warrant a reclassification of security.

The Minister points out that the program of regional Special Handling Units has only recently been initiated, and feels that this program should be continued in order to provide the appropriate facilities for dealing with the kind of inmate described.



57. "A small number of maximum security institutions should be used exclusively for inmates who require protective custody. Each such institution should have a section designated as medium security."

Plans for such an institution in Ontario are well advanced. It is also intended to designate an institution for protective custody inmates in Quebec region, as a result of the new construction program. In other regions, separate units within existing institutions will be employed for protective custody cases, and the recommendations of the Vantour report will be followed as to their operation.

58. "Regional Psychiatric Centres should be withdrawn from the jurisdiction of the Penitentiary Service and placed under the federal Ministry of Health and Welfare. Discussions should be held with the provinces to coordinate federal and provincial mental health services."

As a first point, it should be noted that the Department of National Health and Welfare is not involved in the delivery of services directly. Such services are normally the responsibility of provincial authorities, and it is for this reason that CPS has, and will continue to have, very close working relationships with the appropriate provincial authorities with respect to the operation of Regional Psychiatric Centres.

To be more specific, an agreement was signed in April between the Ministry of the Solicitor General and the Quebec Ministry of Social Affairs whereby the latter, mainly through the Philippe Pinel Institute, agreed to provide all in-patient psychiatric care to mentally ill federal inmates incarcerated in the province of Quebec. The option exists to extend this to the provision of ambulatory care in federal institutions by April 1978.

In Ontario, CPS already utilizes the services of the Mental Health Centre at Penetanguishene to the extent that they are available and CPS representatives are meeting this month with the Ontario Ministry of Health to discuss the details of the Ontario proposal to open a number of "closed wards" in certain of their psychiatric hospitals.

Both the Ontario and Pacific Psychiatric Centres are affiliated with local universities, and the Pacific Psychiatric Centre is recognized as a psychiatric hospital by the Government of British Columbia. Hospitals by-laws have been approved at the RPC (Pacific), which has a Board of Governors.

The Psychiatric Centre in Saskatoon will treat both federal and provincial inmates who become mentally ill while incarcerated, and will also admit patients held under Lieutenant-Governor's warrants, and act as a remand centre. This centre will also be affiliated with the university. A pattern similar to the Saskatchewan model will be followed by the Psychiatric Centre planned for the Atlantic region.

In summary, the Sub-committee's goal of avoiding duplication, and of having RPC's act as "hospitals" is one which has been active CPS policy for some time now, and which can be achieved without the transfer of jurisdiction to the Department of National Health and Welfare.

59. " There should be several separate institutions for the treatment of sex offenders, since their therapy needs are distinctive from those of other inmates with personality disorders. Admission should be on a voluntary basis. "

CPS is cognizant of the special problems presented by sex offenders, and of various potential models which could be employed in their treatment. Various models, including the Fort Steilacoom approach, as well as approaches used in such jurisdictions as Illinois, Tennessee and Minnesota, are currently being closely examined, and a report on their possible application in our federal institutions is expected to be ready in October.

60. " A special institution should be established in British Columbia for the treatment of drug addicts. "

Recent experience, in Canada and in many other countries, has demonstrated that the drug problem must be looked at in a much wider context than that of the criminal justice system alone. With this in mind, the federal government is giving consideration to a series of approaches to the general question of drug abuse, and a joint Canada-British Columbia task force is examining all aspects of the problem as it is found in that province.

While earlier efforts to provide treatment programs for drug addicts have proven disappointing, especially inside penal institutions, CPS agrees that programs such as the Portage Project in Montreal--involving the treatment of addicts while on day parole--are worthwhile examples that may provide hope for the future. Other such programs will be sought out and examined.



61. "At least one separate institution should be provided for youthful offenders on a selective basis. There should be at least one wilderness camp for native peoples and northern residents accustomed to life in remote areas."

The Minister is highly sympathetic to the problem identified by the Sub-committee in this area. With respect to young offenders, the proposals to replace the Juvenile Delinquents Act, which the Minister hopes to present to Parliament in the Fall, represent a major initiative in the area of prevention, diversion and the provision of alternatives to incarceration for young people who come into conflict with the law. In addition, provision will be made in the proposal for the transfer of convicted young people who have been raised to adult court back to the provincial system to serve all or part of their sentence.

It should be recognized, however, that fully 40% of federal inmates are between the ages of 18 and 25, and that the fact that these individuals have been sentenced to penitentiary terms is indicative of the fact that they have been found guilty of serious crimes. Most such people, then, are not suitable for the kind of special treatment which the Sub-committee appears to have in mind.

With respect to the suggestion regarding wilderness camps for individuals more accustomed to remote surroundings, the Minister agrees that this is a worthwhile idea. Use of exchange of services agreements with provinces may be the best way to employ already existing facilities under provincial jurisdiction for suitable federal inmates. With respect to native inmates in particular, an unprecedented, "grass roots" level survey is currently being carried out by the Native Crime and Justice Commission. The aim of this survey, carried out under the auspices of the Native Council of Canada, is to collect information that will be of assistance in coming to grips with the underlying causes for the disproportionate incarceration rate of native people in Canada, and especially in the Western provinces.

62. "The CPS should research the possibility of expanding, in at least one new institution, the Citizen Advisory Committee into a Board of Governors on an experimental basis. Such a Board should consist of about 12 members and should appoint the director and senior administrative staff."

The Minister cannot agree as a matter of principle with the suggestion that a Citizen's Advisory Committee should be constituted as a Board of Governors with the power to appoint the institutional director and senior administrative staff. The need to appoint directors on the basis of merit and professional qualifications is an essential

management function, and delegation of this function goes against the central theme of clear definition of lines of authority, and of the requirement for accountability and responsibility--a theme with which the Minister is in strong agreement.

However, as responses to previous recommendations have demonstrated, he is sensitive to the need to increase community involvement in both the policy and operations of penal institutions specifically, and in the criminal justice system as a whole. For this reason, it is policy that Citizens' Advisory Committee's should be established in penitentiaries, as is stated in the response to recommendation 49.

63. " The Canadian Penitentiary Service should carry out an in-depth study of the feasibility and viability of penal communities in reasonably inaccessible areas as an alternative to confinement in conventional institutions for inmates serving long sentences without eligibility for parole. "

Accepted. On this question, the Minister has recently received a report identifying options for dealing with long-term inmates, and the Ministry funded a conference of international experts on this issue. This conference was held June 9 - 11. As recommended, the specific suggestion of a penal community will be given further in-depth examination, in the context of continued study of other possible approaches to the problem of long-term incarceration.



## I. PRE-RELEASE AND PAROLE

64." The appearance of arbitrariness in parole, especially in parole revocation without notice or reasons, is an unsettling factor in penitentiary life. There is also much resentment of the fact that mandatory supervision places dischargees under conditions similar to parole for a period of time equal to that of their earned and statutory remission. The parole system should be reviewed with a view to lessening these arbitrary aspects."

Based on the information available to the Sub-committee, its concern about the appearance of arbitrariness can be understood. However, for some years the National Parole Board, within limits imposed by resource availability, has instituted programs to lessen not only the appearance, but also the substance, of arbitrariness.

Examples of programs now in operation which provide services in excess of those required by law are:

- (1) parole hearings for all inmates in federal institutions who have not indicated in writing that they do not wish to be heard in person;
- (2) provision of oral reasons in cases of denial of parole, and written reasons in cases which require in excess of two votes;
- (3) an internal review of decisions to deny parole; and
- (4) reasons in writing to all provincial inmates.

In addition, since April 1975 suspended persons on parole or mandatory supervision must be interviewed by a parole officer within 10 days of apprehension. Reasons for suspension are provided and discussed, and the opportunity given for explanation of the behaviour which resulted in cancellation or suspension. This may result in cancellation of suspension and reinstatement of parole or mandatory supervision.

Further, the provisions of Bill C-51 are a step toward formalizing these procedures in the law. Under the terms of C-51, regulations will be recommended to the Governor-in-Council providing for procedural safeguards and establishing the right to a hearing, upon application, in cases of parole applications by federal inmates. Such hearings will also be provided for, upon application, in cases of parole and mandatory supervision revocation.

J. CONCLUSION

65. " The Standing Committee on Justice and Legal Affairs should have a permanent reference during the rest of the 30th Parliament and for the 31st Parliament to enable it to review the implementation of this Report in the context of the criminal justice system. (Also for the 31st Parliament)"

As the Minister has said in the House, he intends to work closely with the Committee. He believes the Standing Committee on Justice and Legal Affairs will have adequate opportunities to monitor progress on implementation of the recommendations during its consideration of estimates.

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PHILADELPHIANS GET \$20s FROM HEAVEN

PHILADELPHIA (AP)- It rained \$20 bills in Philadelphia yesterday.

More than \$250,000. in \$20 bills flew from a broken sack out the unlocked back door of an armoured truck which had just made a pickup at a federal reserve bank in the busy downtown area.

Suprised motorists and pedestrians quickly stuffed their pockets with whatever they could grab.

"They were on their hands and knees, grabbing money right and left," said policeman Roland Elliott, who stopped en route to work to help recover the swirling green stuff. "Nobody was mad. Nobody was pushing anybody. There was enough to go around."

About \$242,000 was eventually recovered.

"It was unreal," said a construction worker who missed getting any of the loot because "I'm a slow runner and a poor thinker."



COLLINS BAY INSTITUTIONINMATE COMMITTEE CONSTITUTIONPREAMBLE

Whereas recognition of the dignity of all men and their equal status regardless of how they are classified is the foundation of peace and justice in our Society; and Whereas it is desirable that incarcerated men should be encouraged to conduct their affairs rationally and communicate and negotiate with their administrators in a spirit of dignity and equality; and Whereas it is essential to promote an atmosphere of peace, equality and justice among all inmates; and Whereas the members of the inmate population of Collins Bay Institution re-affirm their belief in inalienable equal rights of all men and the dignity of man, and have resolved to commit themselves to promoting a better and more rewarding life for every inmate; and Whereas common understanding and recognition of and respect for these rights is of prime significance for the full attainment of the goals of this resolution: therefore, we the members of the Inmate Committee of Collins Bay Institution, representing the inmate population, proclaim this Constitution in an effort to assert and promote their rights as Human Beings, enhance the welfare of all inmates and promote peace and harmony in the Institution. We will negotiate in dignity with the Administration, and prepare to live a constructive life as men of good will in a just and organized society.

ARTICLE ONE - AUTHORITY

Under and within the purview of Directives issued by the Commissioner of Penitentiaries there shall exist in Collins Bay Institution an Inmate Committee, elected by the inmate population in accordance with Commissioner's Directives.

ARTICLE TWO - PURPOSES AND RESPONSIBILITIES

1. The purpose of the Committee shall include:
  - (a) To provide a channel of communication between the inmates and the Administration.
  - (b) To permit inmates to co-operate and make suggestions on planning of new programs.
  - (c) To encourage, support and recommend projects for the general welfare of inmates.
  - (d) To engage in the activities necessary to fulfill its purposes and, in particular, those of the sub-committees mentioned in Article Three.
2. The Committee shall function in a co-operative manner to enhance communication and improve programs.
3. The Committee has no administrative or decision making authority, as defined in CD #231.

### ARTICLE THREE - ORGANIZATION

1. The work of the Committee shall be organized in the following sub-committees, with one member of the Committee assigned to each area.

#### DEPARTMENT:

1. Medical - medical complaints, arrange appointments, suggest ways to improve services provided.
2. Socialization - Library, Entertainment, radio & T.V., clubs and classification (resolve complaints etc. in this area).
3. Hobbies and Visits & Correspondence.
4. Education and Trades.
5. Sports.
6. Living Conditions and Food.
7. The executive of the Committee shall be the Chairman and Secretary, making the Committee an eight man body. The Chairman shall be employed on a full-time basis in work of the Committee. The executive shall be elected from the eight man body chosen by the population. Each of the remaining six members shall be assigned to a sub-committee, and will be responsible for that sub-committee and its area. Members will be elected in accordance with DI 856 to ensure proper representation.
8. The Chairman or one other member shall talk to Newcomers upon arrival to the Institution. He will explain to them the organization and functions of the Inmate Committee and to offer assistance in adjusting to life in the Institution.

### ARTICLE FOUR - MEMBERSHIP & TERM OF OFFICE

1. The Committee shall consist of a Chairman, a Secretary and six Departmental Committee members as mentioned in Article Three, and elected as set out in Article Six.
2. The term of office of the Committee shall be six months. A member may seek re-election at the end of his term in office. No restriction shall be placed on the number of terms in office a member may serve or the number of times re-election may be sought, however, the Director may remove a member from the Committee.

### ARTICLE FIVE - DUTIES OF COMMITTEE

1. The Chairman shall be responsible for calling and acting as Chairman of meetings of the Committee; for guiding and co-ordinating the work of the Committee, along with the sub-committees; and for acting as spokesman for the Committee, along with other members of the Committee when required for financial matters; and generally for promoting the work and objectives of the Committee.



Article Five Continued

2. The Secretary shall be responsible for keeping minutes, and records, correspondence, and giving out of notices and the distribution of copies of all pertinent information assigned to him.
3. Committee men assigned to a sub-committee may choose assistants to assist him in that committee.
4. All Committee members shall be responsible for investigating problems on the ranges they are elected to represent. All major problems shall be reported to the Chairman, and worked out at a Committee meeting.

ARTICLE SIX - ELECTIONS

1. Range elections shall be held every six months for the purpose of electing members of the Inmate Committee. To ensure that all inmates are represented, there shall be two Committee men per block in the following breakdown, 1 A/C, 1 B/D, 2C, 2 B/D, 3A, 3B, 4A, and 4B, giving a total of eight.
2. The election shall be conducted by an election committee made up of three members of the population who are not members of the Inmate Committee, and do not wish to be candidates in the election.
3. The election committee shall give to every member of the inmate population a written notice that an election will take place two weeks before the date of the election. The notice shall invite all inmates who wish to be candidates for the Committee to give their names to the election committee within four days after receipt of the notice.
4. After the election committee has received the names of all the candidates and they have been cleared by the Administration, they shall prepare a list showing the names of all candidates for each range. A copy of the list shall be delivered to each inmate not less than one week before the election. On the last Thursday prior to the election, all candidates will be in the Gymnasium to answer questions and speak to the population.
5. The election committee along with the Social Development department shall conduct the election of Committee members on each range. The Social Development department shall act as scrutineer.
6. On the day of the election, the returning Committee members, election committee, and scrutineer shall take ballot boxes and ballots to each range and conduct a poll, giving each inmate a ballot to be marked secretly by the inmate, folded so as to conceal the name of the candidate voted for, verified by the scrutineer without examining how it was marked and placed in the ballot box by the inmate.
7. At the request of any inmate, a scrutineer may assist him in marking his ballot, according to the instructions of the inmate and without giving any advice or opinion about any candidate. The scrutineer shall not disclose to anyone how the inmate has voted. If only one candidate runs for a range, he shall be declared elected and shown on the ballot.

### Article Eight Continued

Director, Assistant Director (Socialization), Head Social Development, will be by appointment only; appointments to be arranged through Security. Also be permitted to visit segregation when requested by inmate in there and visit approved by Keeper in charge of the Institution.

2. Other members of the Committee shall have passes giving them access to the Committee Room during non-working hours to seek information from the Chairman or Secretary.

### ARTICLE NINE - REPRESENTATIVES

1. The Inmate Committee may make representation on matters within its scope of reference to the Administration on behalf of all inmates of the Institution.
2. If satisfactory resolution of issues brought forward by the Inmate Committee cannot be achieved through discussion with the Administration, the Committee may request the Director to forward their concerns to the appropriate higher authority.

### ARTICLE TEN - WELFARE FUND

1. No expenditure from the Inmate Welfare Fund shall be made without discussion with the Committee and A/D Socialization. Any expenditure will be properly recorded, as to amount and use.
2. A monthly statement of income and disbursements from the Welfare Fund shall be distributed among the population at the end of each month.
3. An audited annual statement of the revenue and expenditure of the fund shall be presented to the Inmate Committee at the end of each fiscal year of the Institution.

### ARTICLE ELEVEN - FREEDOM OF EXPRESSION

1. Members of the Inmate Committee shall have complete freedom of expression in the performance of their duties, but shall avoid all abusive and defamatory statements.

### ARTICLE TWELVE - AMENDMENTS

1. Constitution subject to amendments when voted upon by future Committees and approved by the Institutional Director.
2. Any article one through twelve can only be deleted by vote of the entire population of Collins Bay Institution, and with the approval of the Institutional Director.
3. No amendments will be made by the Administration without consultation with the Inmate Committee.



Article Six Continued

8. The election committee and scrutineer shall check the ballots after closing of the election, count the ballots, and announce the results by notices in writing to each nominee and the administration.
9. One week after the general election has been completed the population will vote in a similar fashion as above to elect one of the eight as Chairman of the Committee.
10. If a member of the Inmate Committee dies or is disabled or discharged or transferred out of the institution during his term in office, with more than one month remaining on his term, a by-election to replace him for the remainder of his term shall be held in the manner set out above.
11. Upon election of the Chairman, the Committee members shall meet and elect amongst themselves, a Secretary. The remaining six shall be assigned by the Chairman to head sub-committees. A committee man assigned to head a sub-committee may seek additional inmate volunteers for his sub-committee.
12. The above conditions are subject to any amendments to the Commissioner's Directives, Divisional Instructions, and Penitentiary Service Regulations regarding Inmate Committee and its election.

ARTICLE SEVEN - MEETINGS

1. The Inmate Committee shall meet with the Institutional Director at least once a month.
2. At the request of the Inmate Committee, and subject to the approval of the Director, meetings between the Committee and the Administration will include different department heads the Committee might request present from time to time.
3. The Chairman of the Inmate Committee shall call meetings once a week, meetings to be held in the Committee Room on the first floor of three block, and all Committee business will be conducted here.
4. Any Committee member involved in a sub-committee may call and conduct a meeting with his sub-committee in the Committee Room but should report said meeting to the Security Officer in three block, and said meeting should be conducted at the proper time.

ARTICLE EIGHT - PASSES

1. The Chairman of the Inmate Committee shall have a pink pass permitting him access to all blocks in the day and evening periods, also be permitted to visit shops during working hours provided shop instructor is informed prior to their visit, also allowed to visit the hospital Thursday afternoon only when arrangements have been made with the Senior Health Care Officer. Interviews with the

Dated this Seventeenth day of August...1977 and Approved By:

A. Harris  
Chairman, Inmate Committee

Randy N. N. N.  
Witnessed By

[Signature]  
Director, Collins Bay Institution

J. Harris  
Witnessed By

Further Committee News- Pay Scale As Of

August 1st. 1977.

RATES OF INMATE PAY

SALAIRE DES DETENUS

LEVELS-NIVEAUX

PER DAY-PAR JOUR

1	\$0.90
2	\$1.00
3	\$1.15
4	\$1.40
5	\$1.95

COMPULSORY SAVINGS - EPARGNE OBLIGATOIRE

The sum of 25 cents shall be allocated daily to compulsory savings at all levels.

La somme de 25 sous, chaque jour, sera affectée à l'épargne obligatoire, à tous les niveaux.

OVERTIME - TEMPS SUPPLEMENTAIRE

Overtime pay shall be at the rate of 20 cents per hour.

Les heures supplémentaires seront rémunérées à raison de 20 sous l'heure.



COURTS ARE POWERLESS TO PROTECT THE CITIZEN

The power to prosecute a Canadian citizen for crime can and should be conducted fairly, forcefully and humanely. It is a powerful instrument in the hands of the State; yet it is a power which can, under our system of law, be applied in such a way that it becomes oppressive and abusive.

The Crown may, if it chooses, so conduct a prosecution as to render the outcome virtually certain; the prosecution can hound a man beyond his endurance, beyond the limits of common decency, and under our present law no Canadian Judge has the power to prevent a local Crown Attorney from a prosecution to a persecution.

The very structure of our criminal law assumes that the Crown Attorney will act scrupulously, fairly and honestly in every prosecution in every court. What happens when that assumption proves false.

Until recently, when the Supreme Court of Canada decided the case of R. vs. Rourke in a 5-4 split decision, any Canadian Judge had the power to prevent prosecutorial abuse. Now, all our judges are powerless before the authority of the Crown Attorney.

The doctrine that exists no longer was called Abuse of Process, which means simply that a court, when satisfied that something about the proceedings were so harsh and unconscionable that a civilized system of justice could not tolerate it, could step in to stay the proceedings, i.e. to stop them. Beyond doubt, this was a useful and effective doctrine, though fortunately it rarely needed to be invoked. Only a few examples of instances where prosecutorial oppression was prevented can be easily collected from the past seven or eight years.

\* On Dec. 12, 1969, most of the population of the small Northern Quebec village of Great Whale Post was in attendance at a wedding reception celebrating the marriage of an Indian and a French Canadian. Great Whale Post is located a 1000 miles north of Montreal.

The Crown alleged that at the supper and the dance that followed Mr. Ittoshat became drunk and caused a disturbance- a minor criminal offense. He was brought in custody to Montreal for trial. Once there he did not even seek bail because he knew no one in Montreal with whom he could stay; nor could he afford the cost of travelling from Montreal to his home and return again. Of course, his witnesses all lived in the far north and he could not afford to bring them all to Montreal to testify in his defense. Moreover he was unfamiliar with the customs and ways of life in a large city.

Judge Malouf ruled that under these circumstances Mr. Ittoshat was unable to exercise his right to call witnesses and to make full answer and defence; the procedure was tantamount to a denial of justice and therefore ought not to be allowed to proceed.

\* In Toronto, an accused was charged with a criminal offence. The Crown Attorney had brought him before the court for his trial on 12 separate occasions. Each time the Crown Attorney was forced to ask for an adjournment for one reason or another, and the case never got tried.

The delays mounted. County Court Stanton Hogg said: "... If over a period of one year, an accused is brought forward

12 times when his case is set for trial and ready to proceed to say nothing of the six additional times the accused is brought before the courts to set some of these dates.....the accused is denied fundamental basic justice.

Enough is enough. The prosecution must stop.

\* In Toronto the trial date on a criminal offence had been set with the consent of both the Crown and defence some months earlier. At the time of trial, Crown counsel requested an adjournment, and the judge, as he had a right to do, considered the arguments on both sides and refused the request and ordered the trial to commence. Not liking the judge's decision the Crown Attorney purported to withdraw the informations so that the court would be prevented from proceeding. The trial judge nevertheless held the trial and no evidence being presented, acquitted the accused.

The Crown then laid the charges a second time without appealing this acquittal. Upon this second trial for the same offence His Honour Judge Crossland said:

"It seems quite apparent that the purported withdrawal of the information at that stage, after an unsuccessful attempt at an adjournment, was a move designed to circumvent the judge's ruling which the Crown found unsatisfactory...the Crown has simply ignored the dismissals of the court and relaid the informations.....

"this procedure seems to me to usurp the functions of the appeal courts. If Judge McEwan was wrong in proceeding the way he did it seems to me that in our system of jurisprudence it is for the higher courts to state so, not the Crown Attorney...

"If the Crown is not required to follow the same route (appeal to a higher court from an unfavourable ruling) but is allowed to resort to the devious practice of withdrawal in order to circumvent the judge's order, then it makes a mockery of an important judicial proceeding..."

The proceedings were stopped.

\* The R.C.M.P. sent an undercover policeman to work in Ottawa arresting drug traffickers. He formed a friendship with a young man named Shipley whom he described as "naive" and during the relationship that was formed the police officer found that Shipley came to look up to him.

During this relationship the officer borrowed money from Shipley and admitted he told Shipley he would not repay the debt unless Shipley supplied him with drugs. The officer admitted that earlier Shipley had said he would not get drugs for him.

Judge McAndrew noted the distinction between an agent provocateur who simply provides the opportunity for someone to commit a crime, and one who instills in the mind of a person the idea of committing an offence that he otherwise would not have intended and then persuades and encourages him to carry it out.

He held that the function of the police does not include "the manufacturing of crime" and stopped the proceedings as "oppressive and an abuse of the process of the court."

\* In British Columbia one Smith and another young man had bought a quantity of marijuana, divided it up, and gone there separate ways. Smith's friend was arrested and his marijuana was discovered by the police.

At that point Smith went to the Crown Attorney and told him about his own marijuana and the Crown said that his friend would be prosecuted but that if Smith was to turn in his mari-



juana, which he had hidden in the bush, no charge would be laid having to do with that marijuana once it had been turned into the police. Acting in good faith, Smith did so.

The Crown Attorney charged Smith with conspiracy based upon what he had told the Crown Attorney and based upon the marijuana that Smith turned over to the police.

Mr. Justice Thomas Burger of the British Columbia Supreme Court said:

"The ordinary man, having made such a deal with Crown Counsel, would feel that he could walk in safety thereafter. He would be astounded and amazed if charges of conspiracy could be proceeded with.

"I think what occurred in this case constituted oppression. The ordinary man is entitled to expect that the Crown will keep its word."

Since the decision in *R. vs. Rourke* by the Supreme Court of Canada, all Canadian Courts are powerless to protect Canadian citizens from overzealous or misguided prosecution.

Speaking of cases similar to these, Chief Justice Bora Laskin said in a dissenting opinion:

"I pass no judgement on the correctness of any of the decisions, but they do indicate, by their very diversity, the utility of a general principle of abuse of process which judges should be able to invoke in appropriate circumstances to mark their control of the process of their courts and to require fair behaviour by the Crown toward accused persons."

At issue is the traditional view of legislative, executive and judicial authority in Canada. The model wherein each local Crown Attorney is responsible to the Attorney-General alone perhaps made sense in a rural English setting; he could be politically accountable in the Legislature for every act of his agents when he only had 20 or so of them to watch. In Canada today, however there are thousands of Crown Attorneys whose daily actions are by and large unsupervised and indeed unknown to any responsible person except the judges before whom they appear.

Speculating on this issue, Kenneth Chasse, a former Crown Attorney, now on the staff for the Minister of Justice for Canada, said:

"The large number of prosecutions, the complexity of the criminal process and the higher standards demanded, make the Attorney General's responsibility to the Legislature too inadequate and too remote from the average prosecution to be an effective remedy.

Judges, unlike Crown Attorneys, are not beholden to the Government of the day for their offices:

In Canada, the judiciary is independent. Under our law as it now stands judges are charged with responsibility of seeing that justice is done in their courts- except when a Crown Attorney causes the injustice through an oppressive prosecution. He and he alone is immune from judicial control and supervision.

The Supreme Court of Canada has officially instructed Canadian judges that they must close their eyes when any prosecution is so conducted that it has become an instrument of oppression instead of an instrument of justice.

The recent history of the doctrine of abuse of process before its reversal before the Supreme Court of Canada showed the absolute necessity of some restraining hand upon the power of the state in the criminal forum.

Crown Attorneys should have to keep their word; an accused should not have his trial so delayed that his witnesses vanish and no one can any longer remember the facts of the case; an accused person should be tried in or near the locality in which the offence took place surrounded by friends and those who can assist him. Police should not be permitted to create crime under the guise of detecting it.

To do away with this doctrine is to leave Canadians at the mercy of their governments.

Canada needs a legislative amendment to the Criminal Code that will return to judges the power to stop proceedings when to fail to do so would constitute an abuse of the process of the court itself and would bring the administration of justice into disrepute.

Those in need of protection from prosecutorial abuse cry out clearly and understandably; Ronald Basford, the federal Attorney-General, has the power to bring forward this legislation. So far, justice is not only perforce blind to their problems but deaf as well.

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#### JUDGE NOT, LEST YE BE NICKNAMED

"Did you get Tinker Bell to-day?" asked the black robed man of his companion.

"No, he's in 41. I've got the Snipe."

"Just be glad it's not the Loch Ness monster," says the first.

They're Toronto criminal lawyers talking outside their respective courtrooms, and now, for the first time anywhere, Word of Mouth has pierced for it's readers the armour of their abtruse argot. Herewith demystifying the monikers of Metro judges:

"Tinker Bell" is Judge S. Gordon Tinker; "Rosemary" is Judge M.J. Cloney; "the Snipe" is Judge R.B. Dneiper; "the General" is Judge R.J. Graham, a man of notably military bearing and "the Loch Ness Monster" is Scots-burring Judge V.K. McEwan.

There is even one stern judge they've softened with the name "Uncle Walter"- he's known as the man with the mathematical problem. He can't count below ten- years of sentence that is.



The inmates are demanding majority rule.



## UP-COMING MOVIES

- Sept: 10 - King Kong - Jeff Bridges, Jessica Lange, Charles Godin.  
Contemporary version of the classic tale of adventure and romance about a giant gorilla terrorizing New York. Adventure in color.
- Sept: 11 - Take A Hard Ride - Jim Brown, Lee Van Cleef, Fred Williamson.  
A wrangler returning \$86,000.00 to his employer's widow is beset by trouble, including a bounty hunter, a crooked sheriff and other old west baddies. Western in color 103 minutes.
- Sept: 17 - The Last Tycoon - Robert DeNiro, Tony Curtis, Robert Mitchum.  
Film version of the classic F. Scott Fitzgerald novel about a motion picture studio executive in Hollywood during the late 30s. Drama in color.
- Sept: 18 - The Exorcists - Ellen Burstyn, Linda Blair. Suspense in color.  
A very good film about the supernatural and possession of a person by the devil.
- Sept: 24 - Fun With Dick & Jane - George Segal, Jane Fonda. Comedy in color.  
When an aerospace industry executive loses his job, he and his wife lose sight of the American dream, until they find a quick way to avoid welfare and gain solvency - crime.
- Sept: 25 - Viva Kneivel - Evel Kneivel, Gene Kelly, Lauren Hutton.  
A plot to kill Evel Kneivel and use his truck to smuggle drugs into the states. Lots of action and chase scenes.  
Action Drama in color, 104 minutes.
- Oct. 1 - Black Sunday - Robert Shaw, Bruce Dern, Marthe Keller.  
Deals with an extraordinary plot to blow up the annual Super Bowl football game, where 80,000 spectators - including the President of the U.S.A. are in attendance.  
Suspence in color, 143 minutes.
- Oct: 2 - Alice Doesn't Live Here Anymore - Ellen Burstyn, Kris Kristofferson.  
Widowed, unemployed and with a son to raise, a young widow sets out for Monterey and a career as a singer, follow in love along the way.  
Comedy Drama in color 112 minutes.
- Oct: 8 - Friends - No information available on this one.
- Oct: 9 - The White Buffalo - Charles Bronson, Jack Warden, Will Sampson.  
A story about Wild Bill Hickcock and chief Crazy Horse and how the both of them go after a sacred white buffalo for different reasons.  
Action adventure in color 97 minutes.
- Oct: 15 - No information at this time on Joyceville's movie for this date.
- Oct: 16 - Bound For Glory - David Carradine, Melinda Dillon. Drama in color.  
Story is about Woody Guthrie's rise as a folk-singer during the depression.

Oct: 22 - The Eagle Has Landed - Michael Caine, Donald Sutherland.  
A plot by the Nazi's to kill Churchill while he is vacationing at a coastal resort in Briton.

Oct: 23 - Network - Faye Dunaway, William Holden, Peter Finch.  
An esteemed but fading news anchorman creates a new dimension in television when his televised threats spark the creative attention of an ambitious woman executive.  
Comedy drama in color.

While ordering the latest bunch of films, inquiries were made about perhaps obtaining some of the latest movies from the companies. The answer to this was that at the present time copies of the movies we asked about were not available. However, they were expecting to receive copies of some of these films before Christmas, and if they did we would have a chance to book the films. I am listing below some of the possible films we might be able to obtain for around Christmas and New Years.

It is unfortunate that due to the arrangement between here and Joyceville, there are certain companies we are not being allowed to order from. We have tried and tried to have this changed, but with very little luck, as although everyone agrees that we should be allowed to order from all the companies, it appears that nobody wishes to make this official. So unless something is done in this area we will continue to be denied access to some films and their distributor. I hope that the next Committee will have the opportunity to rectify this for the population.

Some possible up-coming movies for later on this year:

A Bridge Too Far - Robert Redford, Michael Caine, James Caan. - War story.  
Rocky - Sylvester Stallone. Fight picture.  
The Pink Panther Strikes Again - Peter Sellers. Comedy.  
Sweet Revenge - Stockard Channing, Sam Waterston. Comedy/Drama.  
Welcome To L.A. - Sissy Spacek, Keith Carradine, Sally Kellerman. Drama.  
New York New York - Liza Minnelli, Robert DeNiro. Drama.  
Audrey Rose -  
Outlaw Blues - Peter Fonda, Susan Saint James. Action adventure.  
The Heretic - Linda Blair, Richard Burton.  
The Song Remains The Same - Led Zeppelin. Musical.





SPORTSMAN

## RESULTS FOR ATHLETE OF THE DAY

### 100 yard dash

Ist.....	Havers	10.2
2nd.....	Pentiluk	10.4
3rd.....	Faulds D.	11.0

### Running Broad Jump

Ist.....	Longpre	18'3.5"
2nd.....	Christian	17'4"
3rd.....	Havers	15'4.5"

### 220 yard dash

Ist.....	Havers	25.6
2nd.....	Pentiluk	25.7
3rd.....	Faulds D.	26.1

### hop, step and jump

Ist.....	Christian	36'6"
2nd.....	Longpre	36'
3rd.....	Lancaster	32'9.25"

### high jump

Ist.....	Christian	5'4"
2nd.....	Mallott	5'2"
3rd.....	Pentiluk	5'0"

### shot put

Ist.....	Luxford	43'7"
2nd.....	Longpre	42'4"
3rd.....	Pentiluk	38'10.5"

### 440 yard dash

Ist.....	Havers	53.0
2nd.....	Faulds D.	55.5
3rd.....	Pentiluk	

### 880 yard relay

Ist.....	Christian, Havers, Pentiluk & Longpre
2nd.....	Lancaster, Fauteux Bowes & Gough

### ATHLETE OF THE DAY

TOMMY HAVERS

2nd LARRY PENTILUK

3rd LOUIS LONGPRE

4th DOUG FAULDS

### TENNIS GOSSIP

Roger Randall & Steve Kalarai were severely beaten in a recent tennis match by Duke Bernard and Larry Boisvert, current champions of the asphalt sportsworld. Score was 6/1-6/3. Kalarai seemed completely hypnotized by Boisvert's consistent bullet-like smashes to the corner of the court. Randall, the old man of the court, finally had to admit their defeat when he ran out of excuses for his inadequate performance.



FIELD EVENTSEGG TOSS

Ist.....Jones&Weston  
 2nd.....Ferguson&Young

OLD MAN'S RACE

Ist.....Jones  
 2nd.....Midge Watson  
 3rd.....Edmonds

FOOTBALL THROW

Ist Faulds D. 152'  
 2nd Faulds J. 151'6"  
 3rd Rogers 147'10"

BASE RUNNING

Ist.....Longpre  
 2nd.....Faulds D.  
 3rd.....Fitzgerald

SOFTBALL THROW

Ist.....Faulds J. 288'3"  
 2nd.....Putman

EGG RACE

Ist.....Black  
 2nd.....Faulds D.  
 3rd..... Gillis

GOLF TOURNAMENT-SINGLE

Ist.....Young  
 2nd.....Lane

TENNIS-DOUBLES

Ist.....Kalarai&Randall  
 2nd.....Wm. Robinson&Lancaster

GOLF-DOUBLES

Ist.....Burch&Provencher  
 2nd.....Otis&Littlejohn

HANDBALL-SINGLE

Ist.....Jones  
 2nd.....Wiebe

HORSESHOE-SINGLE

Ist.....Mallott  
 2nd.....Young

HANDBALL-DOUBLES

Ist.....Jones&Fitzgerald  
 2nd,,,,,.....Wyse&Branton

HORSESHOE-DOUBLES

Ist.....Mallott&DeRosie  
 2nd.....Young&Fillier

WEIGHTLIFTING-LIGHTWEIGHT

Ist.....Havers 840  
 2nd.....Thibodeau 810  
 3rd.....Dillon 470

TENNIS-SINGLE

Ist.....Bernard  
 2nd.....Kalarai

MIDDLEWEIGHT

Ist.....Popowich 1045  
 2nd.....Harris 975  
 3rd.....Wallin 955

cont...page..

1977

ENFANTS EXCEPTIONNELS

EXCEPTIONAL CHILDREN



1<sup>ST</sup>.

1<sup>RE</sup>

OLYMPIAD  
COLLINS BAY



THE OLYMPIAD

THE FIRST EXCEPTIONAL CHILDREN'S OLYMPIAD HAS COME AND GONE  
 THERE WERE RIBBONS FOR FIRST, SECOND, AND THIRD THAT WERE WON  
 THEY RAN, THEY JUMPED, THEY THREW THE BALL  
 A GOOD TIME WAS SEEMED TO BE HAD BY ALL  
 A THROPHY WENT TO THE BEST ATHLETE OF THE DAY  
 FOR THOSE WHO VISITED US WE WILL ALWAYS PRAY  
 BECAUSE THESE EXCEPTIONAL CHILDREN WILL HAVE TO SERVE  
 A FATE MUCH WORSE THAN THEY ALL DESERVE  
 EACH ONE OF US HERE WILL ONE DAY HAVE A CHANCE TO GET OUT  
 BUT FOR THESE EXCEPTIONAL CHILDREN THERE IS A DOUBT  
 THEIR SENTENCE IS WORSE THAN A LIFE IN HELL  
 BECAUSE FOR MOST OF THEM THEY WILL NEVER GET WELL  
 THE DAYS THEY SPENT HERE WERE WONDERFUL AND SWELL  
 WE DID OUR JOBS WE ALL DID THEM WELL  
 AND AS THEY LEFT, THROUGH THE GATES AT COLLINS BAY  
 WE COULD HEAR MANY OF OUR GUESTS, SCREAM AND SAY  
 GOOD-BYE, FAREWELL, WE'LL SEE YOU IN A LITTLE WHILE  
 AS THEY LEFT TO RETURN HOME, YOU COULD SEE THEM SMILE  
 FOR MOMENTS LIKE THIS WARMS EVERYONES HEARTS  
 AS WE SAW THESE EXCEPTIONAL CHILDREN LEAVE AND DEPART  
 WE ALL KNEW THAT THE OLYMPIAD WAS A GREAT SUCCESS  
 BECAUSE EVERYONE WHO WAS PRESENT ALL DID THEIR BEST  
 WE'LL ALL REMEMBER THAT HISTORY WAS MADE TO-DAY  
 THEY WILL NEVER FORGET THOSE TWO DAYS AT COLLINS BAY  
 Inspiration: The exceptional Children Words by: Sonny S. Sobel

# PROPERTY





### THE MAN IN THE GLASS

When you get what you want in your struggle for self,  
and the world makes you King for a day, just go to a mirror  
and look at yourself, and see what that man has to say.

For it isn't your father or mother or wife whose  
judgement upon you must pass- the fellow whose verdict counts  
in your life, is the one staring back from the glass.

Some people may think you're a straight shooting chum  
and call you a wonderful guy, but the man in the glass says  
you're a bum, if you can't look him straight in the eye.

He's the fellow to please, never mind the rest, for he's  
the one with you clear to the end. And you have passed your most  
difficult, dangerous test if the man in the glass is your friend.

You can fool the whole world down the pathway of life, and  
get pats on your back as you pass, but your final reward will  
be heartaches and tears if you cheat the MAN IN THE GLASS.

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### THE KING'S WHITE HORSE

Beware my friend, my name is King Heroin,  
Known to all as the destroyer of men.  
Where first I was born, no one knows,  
But I come from the land where the poppy grows.

I am a world of power and you'll know it's true;  
Use me once, and you'll know it too.  
I entered the country without a passport,  
Ever since then I've been hunted and sought,  
By addicts and pushers and plainclothes dicks,  
But mostly by junkies who want a quick fix.

My little white grains are nothing but waste,  
I'm soft and deadly, so bitter to taste,  
I'll make a schoolboy forget his books,  
And make a world beauty forget her looks,  
I'll cause a good husband to cast out his wife,  
And send a greedy pusher to jail for life.

I'm King of Crime, the Prince of Corruption,  
I'll capture your soul, and cause your destruction.  
Am I not a just King, a God to behold,  
More treasured than diamonds, more precious than gold.

If you wish to hear more of the things I can do,  
Of the men I've delighted, and the women I've slew,  
I'll make a man shabby that once dressed so nice,  
And all who use me will go down in vice.  
I'll control your mind and then your whole brain,  
With a first course of torment, a second of pain.

Ah, the fuzz have taken you from under my wing  
They dare to defy me, I who am King;  
Nights you'll toss and turn and won't sleep,  
You'll rise in the morning so humble and weak,  
You'll be hot, then cold, and you'll vomit and cough,  
After ten days of madness you might throw it off.

You'll curse my name, and down me in speech,  
But you'd pick me up again if I were in reach  
And nights, when you lie awake planning your fate,  
You know I'll be waiting just beyond the gate.

I gave you a warning, you didn't take heed,  
So put your four feet in the stirrups and mount my steed  
Put your foot in the stirrup and mount me well  
For the white horse of Heroin will ride you to hell.

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#### A FRIEND

IN STRANGE LANDS  
WE ALL MUST WALK.  
THOUGH UNFAMILIAR  
THEY MAY BE,  
WE)LL HAVE TO WAIT TODAY  
TOO SEE.  
WHAT TODAY WILL BE,  
WILL BE.  
YOU,LL FIND THAT SOMEWHERE SOON  
ALONG THE WAY  
THERE WILL ALWAYS BE A.....  
A FRIEND.

---



**Now's the time  
to plan  
this  
winter's  
escape**





THE BARRISTERS BRIEF

PRISONERS IN RUSSIA CAUSE NATIONAL CRISIS

INMATES BOYCOTT SOVIET PAROLE BOARD

STEVE CARR HARRIS

LL.B., A.M.I.E.T. & B.S.

(CHARTER MEMBER OF THE  
INTERNATIONAL LIARS CLUB)

MOSCOW:-(C.P.) (A.P.) (U.P.I.) (REUTERS)

THE SOVIET NEWS AGENCY 'TASS' RELEASED DETAILS THAT A NATIONAL CRISIS EXISTS AMONGST THE THREE HUNDRED MILLION MEMBER PUBLIC SERVICE ALLIANCE, OF THE SOVIET REPUBLIC, BROUGHT ABOUT BY THE RUSSIANS (MILITARY), (POLITICAL) AND (CRIMINAL) PRISONERS REFUSING TO APPLY FOR 'NATIONAL, 'DAY' OR 'WORK RELEASE' PAROLES, INCLUDING PASSES. THE RESULT OF THE ESTIMATED TWO MILLION PRISONERS, IN REFUSING TO MAKE 'PAROLE' APPLICATIONS, HAS THROWN AT LEAST THREE HUNDRED MILLION PUBLIC SERVICE ALLIANCE (BUREAUCRATS) OUT OF WORK. ACCORDING TO 'PRAVDA' THE OFFICIAL SOVIET NEWSPAPER, PARTY CHIEF BRESHNEV, HAS MADE A PERSONAL APPEAL TO ALL PRISONERS TO GET THEIR PENCILS OUT AND START FILING FOR PAROLES, WE QUOTE, "FOR THE GOOD OF THE COUNTRY, FOR THE BENEFIT OF THE 'PUBLIC SERVICE ALLIANCE' AND FOR THE 'REHABILITATION' OF THE SOVIET OFFENDERS." HE ALSO PROMISED AMNESTY TO ALL THE POETS, WRITERS, AMATEUR RADIO ENTHUSIASTS, WORLD HOCKEY PLAYERS (WHO DIDN'T SCORE ANY GOALS) AND OLYMPIC GAME CONTENDERS (WHO DIDN'T WIN ANY MEDALS.)

THE PARTY CHIEF INDICATED THAT THE 'AMNESTY' WOULD BE IN THE FORM OF 'PAROLE' BY EXCEPT-ION, THE 'EXCEPT' PART, AS IN OTHER COUNTRIES, MEANS 'EXCEPT' (THEY WONT GET IT.)

MEANWHILE, TILL THE PRISONERS MAKE UP THEIR MINDS, THE SOVIET GOVERNMENT IS DEPLOYING ITS MILLIONS OF PAROLE OFFICERS, PAROLE CLERKS, POLICE, PAROLE BOARD COMMISSARS, UNDER-COVER PAROLEES, IN A NATIONAL CLEAN-UP CAMPAIGN OF THE COUNTRIES STREETS, HIGHWAYS AND CATTLE STATIONS. (IT MUST DO THE HEARTS OF THE SOVIET PUBLIC SERVICE (ALLIANCE; - IMMEASUREABLE GOOD - TO SHOVEL REAL BULSHIT



WHEN NOT ENGAGED IN ANY ACTUAL NATIONAL CLEAN-UP PROJECTS, PAROLE OFFICERS ARE COUNSELLING PAROLE COUNSELLORS, SOVIET POLICE PAROLE SPECIALISTS (WHO ARE SPECIALLY TRAINED TO ASSIST PAROLEES VIOLATE THEIR PAROLES), HAVE BEEN PUT TO WORK HARVESTING THE BUNKER SOVIET POTATOE CROP. BUREAUCRATIC-PAROLE-CLERKS ARE KEPT BUSY OPERATING EMPTY ELEVATORS AT THE POLITIBORO BUILDINGS: ALL MEMBERS OF THE POLITIBURO ARE VACATIONING AT BLACK SEA RESORTS.

SOME OF THE SOVIET PRISONERS OBJECTIONS IN APPLYING FOR PAROLE ARE THE ABSURD QUESTIONS ASKED ON THE PAROLE APPLICATION FORM: SUCH AS "WHY ARE YOU MAKING APPLICATION FOR PAROLE?" - TO MOST RUSSIAN PRISONERS, DETAINED AT "SALT-HAVEN" IN SIBERIA, THAT QUESTION ALONE APPEARS TO THEM TO BE RIDICULOUS. ANOTHER QUESTION THAT IRKS THE SOVIET INMATES IS: "DO YOU HAVE ANY FAMILY, FRIENDS OR POSSIBLE EMPLOYERS, WHO WOULD VOLUNTARILY SUBJECT THEM SELVES TO (POLICE AND ELECTRONIC SURVEILANCE) THAT MAY BE WILLING AND ABLE TO ASSIST YOU? PROBABLY THE SECTION OF THE SOVIET PAROLE APPLICATION THAT ANGERS THE RUSSIAN PRISONERS MOST, IS THE PROVISION IN THE APPLICATION THAT STATES, "THAT IN THE EVENT THAT PAROLE IS GRANTED, DO YOU AGREE TO ABIDE BY ALL THE MANDATORY REGULATIONS, INCLUDING THE EXCLUSIVE DISCRETIONARY POWERS CONFERRED UPON THE LOCAL PAROLE COMMISSAR AND THAT THERE IS NO APPEAL FOR ANY SUSPENSION, REVOCATION OR VIOLATION OF PAROLE." MEANWHILE SALT PRODUCTION AT "SALT-HAVEN", "JOE-VILLE", "KIEV-BAY" AND "MARX-WORTH" IS DOWN AND A SERIOUS SALT SHORTAGE IS SPREADING ACROSS THE NATION. SINCE RUSSIAN PRISONS HAVE NO DISCRIMINATION ON SEX: MOST INMATES ARE MAKING THE MOST OF THEIR CONJUGAL RELATIONSHIPS AND FREE TIME.

KREMLIN OFFICIALS WILL SHORTLY BE SENDING A DELEGATION TO CANADA, TO DISCUSS WITH SOLICITOR GENERAL FRANCIS FOX AND MARK MAC GUIGAN TO DISCOVER WHY CANADA'S NATIONAL PAROLE SYSTEM IS ABLE TO OPERATE WITHOUT ANY PROBLEMS, SINCE 'PAROLE CANADA'S' BUREACRACY IS IDENTICAL TO THE USSR. (NEXT WEEK THIS COLUMN WILL DEAL WITH SOVIET PRISON CLASSIFICATION OFFICERS)